REPORT

OF

PARDONS AND COMMUTATIONS

Recommended and Granted during 1879, 1880, 1881, and 1882, and the reasons therefor.

JAMES KAIN, FRANK HAZE, Philadelphia. *Rape.* Each sentenced April 5, 1878, to pay a fine of one thousand dollars and undergo imprisonment in solitary confinement at labor in the Eastern Penitentiary for the term of three years. Pardoned February 4, 1879.

Reasons.—1. The offense, if any, was committed during a drunken spree, which the prosecutrix, a woman of the town, excited and participated in.

2. The prisoners do not belong to the criminal class, but are recommended by those who know them as steady and industrious.

3. The testimony as to any assault is extremely weak, and eleven of the jurors recommend the pardon."

FRANK RAFTER, Allegheny. *Rape.* Sentenced September 26, 1874, to pay a fine of six cents and undergo an imprisonment in the Western Penitentiary at hard labor for the period of ten years. Pardoned February 4, 1879.

Reasons.—1. The youth of the defendant at the time of the commission of the offense, to wit, seventeen years.

2. The doubts surrounding the case and the motives of the prosecutrix shown in the recommendation of the jury to "the extreme mercy of the court," and the affiadavit of the brother on file.

3. The prisoner's father is a disabled soldier, and the prisoner's labor is necessary to support his aged parents.

4. He has already been in prison four years and a half.

5. The pardon is recommended by the district attorney, Captain Chalmers, many members of the Grand Army, Aldermen Haddock and Weaver, who were acquainted with both parties, Hugh S. Fleming, Hon. W. R. Morehead, Miles S. Humphreys, General James S. Negley, Thomas H. Phelps, J. H. Gray, Thomas S. Bigelow, H. H. McCormick, Charles F. McKenna, and many citizens of Allegheny county.

ISAAC HUTCHINSON, Fayette. *Shooting at with intent to kill.* Sentenced December 21, 1878, in the aggregate, to pay a fine of twelvec cents, and undergo an imprisonment, by separate and solitary confinementat labor, in the Western Penitentiary for the period of ten years and four months. Pardoned February 4, 1879.

Reasons.—1. His character and reputation hitherto have been unblemished, and, with this single exception, he has always been a good, peaceable citizen. He was twice chosen to fill the office of township constable, the duties of which position he discharged to the entire satisfaction of all.

2. The acts which brought him into his present trouble were committed under great provocation; and there are good reasons for the belief that at the worst he merely pushed the principle of self-defense too far.

3. Since his incarceration his wife has died, leaving three small children without any protection, and if released, he can at once obtain employment.

4. The pardon is recommended by the associate judges, the district attorney, the commissioners, the sheriff, and other officers of the county, by the editors of the county papers, the jurors, and six or seven thousand citizens of Fayette county.

EMANUEL BEHRENFELT, Philadelphia. *Receiving stolen goods.* Sentenced July 10, 1878, to pay a fine of one cent and undergo imprisonment, in solitary confinement, at labor, in the Eastern Penitentiary for the period of three years. Pardoned February 5, 1879.

Reasons.—1. From representations made to the Board the prisoner, a pawn-broker, was induced to plead guilty for fear of the conviction of his sisters, who had imprudently made advances upon the goods, not knowing them to be stolen.

THOMAS PATTERSON, Allegheny. *Barratry, conspiracy, compounding crime.* Sentenced September 13, 1877, on first indictment to pay a fine of six cents and undergo an imprisonment in the Allegheny county workhouse for a period of one year; on second indictment, to pay a fine of six cents and undergo an imprisonment in the Western Penitentiary for and during a period of three years. Sentence on third indictment suspended. Pardoned April 3, 1879.

Reasons.—1. His previous good reputation, and the doubtful character of the evidence on which he was convicted.

2. The health of the prisoner.

3. The destitute condition of his wife and two small children.

4. The punishment already inflicted.

FREDERICK GRABLE, Allegheny. *Murder in the second degree.* Sentenced January 20, 1877, to pay a fine of six cents, and undergo an imprisonment in the Western Penitentiary for and during a period of nine years and six months. Pardoned April 3, 1879.

Reasons.—1. The previous good character of the accused.

2. The extenuating circumstances under which the crime was committed, and the entire absence of malice or intent to kill on the part of the pris-

oner. The judge indorses the petition: "I think the within a meritorious application." The district attorney also: "It was done through thoughtlessness and with no intent to do harm."

3. The health of the prisoner is failing, and continued imprisonment will probably entirely break him down.

4. The pardon is recommended by Thomas M. Marshall, Esq., private counsel for Commonwealth, Hon. Russell Errett, Messrs. J. Painter & Sons, John W. Chalfant, Henry W. Oliver, junior, W. W. Fullwood, Esqs., and many others.

John Brown, Philadelphia. *Larceny.* Sentenced August 11, 1874, in the aggregate, to pay a fine of three cents, and undergo an imprisonment in the Eastern Penitentiary for the term of nine years. Pardoned April 3, 1879.

Reasons.—1. The prisoner is a native of Germany, and at the time the offense was committed had been only a few months in this country. He is not a professional thief, but on the contrary is very reputably connected in his native country.

2. The sentence was unusually severe, and probably if the above facts had been known to the court at the time, would have been very much less.

3. On his release, his relations in Germany will remove him to that country.

Joseph H. Roush and William Scott, Allegheny. *Misdemeanor and conspiracy.* Each sentenced on February 22, 1879, to pay a fine of $100, and undergo an imprisonment in the Allegheny county jail for and during a period of twelve months. Pardoned April 10, 1879.

Reasons.—1. They are men of good families, and have always heretofore borne excellent reputations.

2. They have families depending upon them for support.

3. The ends of justice have been fully satisfied by their conviction and sentence, and in view of the permanent injury that would be made in their future prospects, and the great distress brought on their families by further confinement, the pardons are recommended.

4. The pardons are recommended by many hundreds of citizens of Pittsburgh.

Matthew Marshall, Allegheny. *Malicious mischief.* Sentenced December 1, 1877, to pay a fine of $5,000, and undergo an imprisonment in the Western Penitentiary for and during a period of six years and ten months. Pardoned April 3, 1879.

Reasons.—1. The prisoner is an engineer of superior capacity, who had hitherto maintained a high reputation for skill and reliability. When drunk he joined in the riots of July, 1877, and committed the offenses for which he was convicted. All the other persons convicted of participation in the crimes of that *emeute* have been pardoned. Marshall's sentence was the heaviest of all, and in view of his previous character, his good behavior

since, and the condition of his aged mother, the board are disposed to think that an imprisonment of sixteen months has vindicated the law.

2. The district attorney, the prison chaplain, clergymen, and many prominent citizens and business men indorse this view of the case.

JOHN TANNEHILL, Washington. *Manslaughter.* Sentenced November 14, 1879, to pay a fine of $100 and undergo an imprisonment in the Western Penitentiary at hard labor for the period of two years. Pardoned April 3, 1879, to take effect on October 14, 1879.

Reasons.—1. John Tannehill is a farmer in Washington county, Pa., of most reputable family and unblemished character, a sober, industrious, law-abiding, and religious citizen. On the night of the killing he was watching alternately with his brother and farmer to prevent depredations in their peach orchard. The deceased and others had before been stealing in said orchard, and on that night had planned a raid upon the premises, and for that purpose, in connection with his brother and one Isaac Eatch, himself and his brother being armed with revolvers, had sent out with a wagon for that purpose. The prisoner was armed with a shot-gun which he discharged, and William McNutt was killed.

2. The prisoner avers that he fired the shot kneeling, and without bringing the gun to his shoulders, and aimed away from the man he saw, for the purpose of scaring off the intruders. The board is of the opinion, after a careful examination of the testimony, that this is true, and that any guilty intent of the prisoner is a matter not of reasonable, but of the gravest doubt.

3. The pardon is recommended by Hon. George V. Lawrence, Rev. A. R. Anderson, Rev. William Slater, Rev. James I. Brownson, Rev. George P. Hays, Hon. J. S. Duncan, Hon. John Allison, Rev. J. L. Milligan, Gen. John Hall, Hon. I. G. Hart, J. M. Miller, W. W. Smith, J. Murray Clark, Thomas M. Kennan, Samuel Hazlet, J. W. Alexander, Thomas Miller, Alexander M. Gow, and E. L. Christman, Esqs.; by all the jury who tried the case, and members of the bar, and hundreds of citizens of the highest character.

JOHN SMULL, Beaver. *Burglary.* Sentenced December 4, 1877, to pay a fine of $10, and undergo an imprisonment by separate and solitary confinement at labor in the Western Penitentiary for the period of six years and six months. Pardoned April 4, 1879.

Reasons.—1. The previous good character of the prisoner, and confession when arrested.

2. The destitute condition of his wife and family.

3. The president judge writes: * * * "On reflection since, I have thought that it would have been wise to have made a distinction in his case, and imposed a less severe sentence on him than on his comrades. * * * Yet, in view of what I have since learned of his previous character, and the condition of himself and family in point of health, I do not feel disposed to interpose any objection to executive clemency, in case

your honorable body, after a full investigation of the facts, deem such a course proper." The district attorney writes: "I could not have convicted any of the defendants—three in all—had it not been for evidence received from Smull. Prior to the time of the commission of the offense, he bore a good character."

ALEXANDER B. SAYRES, Philadelphia. *Murder in the first degree.* Sentenced, July 13, 1878, to be hanged. Sentence commuted, April 8, 1879, to imprisonment for life.

Reason.—The weak physical condition of the prisoner, who is apparently at the point of death, and the unsoundness of his mind now and at the time of shooting. The prison physician, Dr. N. Yale Smith, writes: "He is still very weak and emaciated. Is compelled, by reason of his debility, to keep his bed. Is able to take but little exercise. If he were to go to the gallows he would have to be supported, perhaps carried, to the scaffold and held up while the noose is being adjusted." Henry C. Chapman, M. D., coroner's physician, writes: "From the first time that I saw Alexander B. Sayres at the coroner's inquest to the present moment I have not seen or heard anything to shake the original conviction expressed by me that he was insane at the time of the shooting. A careful review of the testimony elicited during the trial has only strengthened that opinion." Dr. N. Roe Bradner, of Philadelphia, an expert on insanity, in a long and careful review of the evidence, to which the attention of your Excellency is invited, comes to the same conclusion in the most decided manner. Right Rev. William H. Hare, bishop of Nebraska, of whose church, in Philadelphia, Sayres and his wife were formerly members, and by whom they were married, gives facts which came under his observation, as their pastor, which lead him to the same conclusion. We also call attention to the testimony of Joseph McCrossin, pages 50–53, and of James Ker; of Dr. George S. Wise, pages 57–65, and the prisoner's sister, Mrs. Carnahan. Charles F. Warwick, Esq., city solicitor, and William H. Wright, Esq., sheriff of the county, certify, on their personal knowledge, to the condition of the prisoner, and strongly urge the commutation.

JOHN CUNNINGHAM, WESLEY DARRALL, JAMES E. ALTMAN, Fayette. *Aggravated assault and battery, with intent to murder.* Each sentenced December 21, 1878, to pay a fine of six cents, and undergo an imprisonment by separate and solitary confinement, at labor, in the Western Penitentiary for the period of two years and four months. Pardoned May 27, 1879.

Reasons.—1. The prisoners are reputable citizens of Fayette county.

2. The prosecutor was comparatively unknown, and has since left the community.

3. There is strong probability that the defendents acted in self defense of a premeditated attack, the prosecutor being armed with a revolver with which he seriously wounded the defendant Cunningham, after himself provoking the conflict.

4. The serious character of the wounds inflicted upon the said Cunningham by prosecutor, by reason of which his imprisonment is seriously impairing his health and endangering his life.

5. The co-defendants, Messrs. Darrell and Altman, were drawn into the melee by a desire to defend their friend, having been notified of the contemplated attack, and joining him to warn and defend him.

6. The pardon is recommended by the Hon. Charles S. Seaton, Messrs. S. M. Bailey, W. O. Wilson, Thomas McKean, O. C. Harn, Dr. H. W. Brashear, Messrs. W. H. Miller and John S. Ritenour, editors of the *Republican Standard*, Thomas Thorpe, and James Abraham, lieutenant of the cavalry company in which the defendant. Cunningham, served during the late war, and fifteen hundred and ninety-three reputable citizens of the vicinity.

REDDY BELL, Allegheny. *Larceny.* Sentenced September 17, 1878, to pay a fine of six cents, and undergo an imprisonment in the Western Penitentiary for a period of four years. Pardoned June 18, 1879.

Reason.—The certificate of the prison physician shows that the prisoner is in a dying condition.

JAMES CUMMINGS, Fayette. *Forgery.* Sentenced March 24, 1879, to pay a fine of six cents, and undergo an imprisonment by separate and solitary confinement at labor in the Western Penitentiary, for the period of three years. Pardoned June 18, 1879.

Reason.—The sworn testimony before the board and herewith presented, establishes, beyond reasonable doubt, the falsity of the evidence of the principal witness of the Commonwealth, upon which alone the conviction of the prisoner rested.

EDWIN HANLEY, Lackawanna. *Larceny.* Sentenced March 1, 1879, to pay a fine of $100, and undergo an imprisonment in the Eastern Penitentiary by separate or solitary confinement for the period of two years and six months. Pardoned June 19, 1879.

Reason.—The certificates of the prison physician and of the committee of the board of inspectors report Edwin Hanley, a convict imprisoned in the Eastern Penitentiary on the conviction of larceny, to be in a dying condition.

JAMES MERVINE, Philadelphia. *Murder in the second degree.* Sentenced July 3, 1875, to pay the cost of prosecution, and undergo imprisonment in separate and solitary confinement in the Eastern Penitentiary for the term of nine years. Pardoned June 27, 1879.

Reasons.—1. Of the three persons concerned in the crime, one has died in prison, one was pardoned after two years' imprisonment, and the judge 'is of opinion that sufficient punishment has been inflicted on Mervine,' and recommends his pardon.

2. His connections are all worthy and reputable people, and previous to the commission of the offense, he had always borne an excellent character.

3. The act of shooting was done in a sudden quarrel, under the influence

of liquor, and with the knowledge and belief that the victim was a bold and desperate character.

Dennis F. Canning, Schuylkill. *Conspiracy to murder.* Sentenced October 16, 1876, to pay a fine of six cents, and undergo an imprisonment in the Schuylkill county prison by solitary confinement at labor for a period of seven years. Pardoned July 16, 1879.

Reasons.—1. "The offense of the prisoner was not disclosing, after becoming acquainted with its character, a conspiracy into which he was drawn by misrepresentation, and he has now served nearly three years of the original sentence.

2. The judge writes: "I have always regarded Canning as the least guilty of all those who have been convicted for participation in the Molly Maguire conspiracy. * * * * * I have knowledge of the fact that Canning has rendered most valuable assistance by his testimony in the trial of other and worse members of the gang, and in other ways to the cause of justice. I have in addition, information from undoubted sources, that it is important, in view of what can be accomplished through his agency, that he be pardoned soon. * * * * * I am convinced from what I know personally, and from information on which I implicitly rely, that Canning's pardon can be granted, not only without detriment to public justice, but in advancement of it, and prompted alone by a desire to see the men yet at large, who, for years, carried on the work of murder in this county, arrested and tried for these crimes, I now join in the recommendation for the pardon of Canning."

3. The detectives who were instrumental in bringing these criminals to light, and many of the criminals to justice, earnestly petition for the pardon of Canning in consideration of his invaluable assistance in the past, and the imperative need of his free services in the future.

4. Many influential citizens recommend the pardon.

5. The district attorney writes: 'The services of Canning have been of so important a character to the Commonwealth and he has borne himself so well, as to fairly entitle him to a pardon. I do not believe that the interests of public justice will be in any impaired, but rather be advanced by the extension of clemency to him at this time.'"

Henry F. Lynch, Allegheny. *Fraudulently making written instruments* Pardoned July 17, 1879.

Reason.—Henry F. Lynch on the 27th of April and 21st of June, 1878, pleaded guilty to three indictments, Nos. 319 and 320 of March sessions, 1878, and No. 315, June sessions, and was sentenced by the court on July 6, 1878, on 319 and 315 aforesaid. On the 20th of January, 1879, Governor John F. Hartranft granted a full pardon, as was supposed, to the said Lynch. The other and only indictment of No. 320 has been revived against him, and as the intention of the former pardon would be defeated by further imprisonment, we recommend the extension of the pardon to cover indictment No. 320.

EDWARD KELLY, Philadelphia. *Larceny.* Sentenced June 14, 1878, to pay a fine of one cent, and undergo imprisonment in separate or solitary confinement at labor in the Eastern Penitentiary, for the term of three years. Pardoned September 17, 1879.

Reasons.—1. Although it is alleged that the prisoner was the confederate of the woman with whom he was indicted, it is admitted that the specific offense was committed by the woman, and the Board are of opinion that the presumption thereby, that Kelly is a professional thief is a violent one, and consider the fifteen months' punishment he has already undergone sufficient atonement for the bad company he kept.

2. The Board are unable to verify the allegations of the chief of police, and therefore decide the case upon the naked facts, independent of the character of the prisoner, after holding the case from its original application until the prisoner has served one half of his term.

3. The exemplary conduct of the prisoner in the penitentiary.

CYRUS WAGNER, Berks. *Burglary.* Sentenced April 26, 1879, to pay a fine of $1, and undergo an imprisonment of two years in the county jail. Pardoned September 17, 1879.

Reasons.—District Attorney William M. Goodman, after reviewing the evidence on the trial of Wagner, and the evidence on the trial of parties subsequently convicted of the same crime, and their confessions, writes as follows, viz: "This fully confirmed my views of Wagner's innocence, and I have, therefore, no reserve in asking your honorable board to recommend the pardon of Cyrus Wagner to the Governor, and I ask it in justice to an innocent convict that the stain of guilt of so great a crime may be removed from him;" and the history of the case, and evidence and confessions before the Board, fully confirm this view.

CHARLES MILLER, Centre. *Assault and battery, aggravated assault and battery.* Sentenced January 29, 1879, to pay a fine of $10 and undergo an imprisonment in the county jail for a period of eight months. Pardoned September 18, 1879.

Reasons.—1. The reasons assigned, the principal of which, errors in the charge of the court, the grossly intoxicated condition of the prisoner, and his first offense, the unwholesomeness of the jail, and the severity of the sentence, are indorsed and the pardon recommended by Judge J. H. Orvis, District Attorney D. F. Fortney, John Dering and Samuel Frank, associate judges, Hon. John B. Linn, many members of the bar, and a large number of citizens of Centre county.

2. The unhealthy condition of the jail is shown by the copy of the finding of the grand jury, on file.

GEORGE PENNINGTON, Philadelphia. *Assault and battery, aggravated assault and battery.* Sentenced May 15, 1879, in the aggregate, to pay a fine of two cents and undergo imprisonment in the Philadelphia county prison,

in separate or solitary confinement, at labor, for the term of fourteen months. Pardoned September 18, 1879.

Reasons.—1. The prosecutors are represented, and with apparent truth, as quarrelsome persons, whose attack upon a friend, Pennington interfered to prevent.

2. The cutting was done by other parties.

3. The quiet, orderly, and temperate life of the prisoner, as one whose character was always above reproach, and the high character and great respectability of his family, are attested by hundreds of their neighbors, including two lieutenants, four sergeants, and forty or fifty patrolmen of the police.

4. All these facts are confirmed, and the pardon recommended and asked for by James McManes, Joseph C. Kerr, George R. Bunker, Samuel Field, John G. Divine, General William McCandless, Rev. C. A. Dickey, William S. Neill, George A. Rex, M. D., Frederick Greensmith, Isaac McBride, and many other prominent citizens.

5. Even if not justifiable as a defense of a friend, the offense was nothing more than simple assault and battery, and he has now been in prison four months.

Charles Kelly, Philadelphia. *Receiving stolen goods.* Sentenced March 14, 1879, to pay a fine of one cent, and undergo imprisonment in the Philadelphia county prison for the term of eighteen months. Pardoned October 28, 1879.

Reasons.—1. The certificate of Dr. H. Yale Smith, physician to the county prison, and of Dr. W. H. H. Githens, state that further confinement will seriously and permanently endanger his health.

2. His wife is a confined invalid and not likely to live long. (See certificates of Drs Klapp and Neville.)

3. A majority of the jurors, and a number of citizens, request and recommend the pardon.

Michael Cooney, Centre. *Assault and battery and aggravated assault and battery.* Sentenced January 29, 1879, to pay a fine of $10 and undergo an imprisonment in the jail of Centre county for a period of one year. Pardoned October 28, 1879.

Reasons.—1. The prison physician writes: "I am of the opinion that should he remain where he is until the expiration of his sentence, his health would be greatly impaired and a strong probability of his constitution being permanently injured," with which the affidavit of Dr. Mullen fully agrees.

2. The district attorney writes that he bore a fair reputation for industry and good behavior, and recommends the pardon on the ground that another, who was the cause of the affray, received a less sentence.

3. The pardon is recommended by Judge Orvis, District Attorney Fortney, all the jurors, and by General Beaver, Ex-Governor Curtin, Hon. John

B. Linn, the sheriff and prison officials, Hon. S. H. Yocum, all the members of the bar, and by a large number of citizens of Centre county.

4. He has but two months more to serve.

TRUEMAN CARTER. Northampton. *Seduction, fornication and bastardy.* Sentenced February 14, 1879, to pay a fine of $100, and the further sum of twenty-five dollars for doctor bill, and undergo an imprisonment in the Northampton county prison for the period of eighteen months. Pardoned October 28, 1879.

Reasons.—The pardon is recommended by District Attorney Anstatt, Ex-Judge Kirkpatrick, Senator Beidelman, Hon. William Mutchler, L. L. Leyburn, Esq., the prison physician Dr. Seiss and Dr. C. L. Gross, the warden, deputy warden, sheriff and all the officers of the county and by numerous citizens on the ground that further confinement will in all probability prove fatal.

JOHN O'NEILL, Northumberland. *Murder in the first degree.* Sentenced October 21, 1878, to be hanged. Sentence commuted, October 28, 1879, to imprisonment for life.

Reasons.—1. The testimony on which he was convicted was not strong, and if he had not belonged to the order of Mollie Maguires, and been found in bad company, he would, in all human probability, never have been convicted of the highest grade.

2. He is considered weak-minded and joined the organization without any understanding or comprehension of its criminal character or designs, and was used as a weak, half idiotic tool by the leaders. The border line of his legal responsibility is so fine that the board, in a case involving life and death, feel that he ought to be given the benefit of the doubt, which the rigid rules of law prevented the jury from doing.

3. The commutation is recommended by the ex-sheriff and warden, Rev. Joseph Koch, D. D. Dooner, Esq., Dr. E. S. Robins, W. L. Dewalt, Esq., Messrs. A. Fulton, J. N. Heilman, M. L. Fisher, and a number of the coal operators, merchants, and business men.

4. Imprisonment for life will serve all the ends of society and justice.

WILLIAM LYNCH, Butler. *Larceny.* Sentenced September 20, 1878, to pay a fine of $5 and undergo imprisonment at labor in the Western Penitentiary for and during the period of two years. Pardoned October 28, 1879.

Reasons.—1. After discovered evidence too late for motion to the court, which, upon a new trial, would, it is believed, procure an acquittal.

The evidence would seem to show beyond reasonable doubt that Jack Daily and C. S. Shriffer, who fled the State, were the thieves, and the affidavits of J. H. Bowman, C. E. Dunlap, M. N. Shattock show that the prosecutor was not positive of his identification of the drilling cable alleged to have been stolen, and the affidavits of E. Ferris and P. H. Burchfield prove

that he was absolutely mistaken; other affidavits are also on file tending to show the same facts.

2. The previous good character of the prisoner, shown by letters of A. J. Alston, James T. Wilson, G. H. Berners, Perry Houghton, W. J. Campbell, J. D. Bent, J. N. Hogan, and Isaac Blakely, justice of the peace, and the petition of many citizens heightens the presumption of his innocence.

3. The prisoner is well advanced in years and his family dependent and suffering.

WILLIAM H. FRANK, Lancaster. *Embezzlement.* Sentenced June 25, 1879, to pay a fine of $50, and undergo imprisonment in the Lancaster county prison for the period of one year. Pardoned October 28, 1879.

Reasons.—1. The good character, steady habits, and respectable standing of the defendant before conviction.

2. The prosecution arose not from failure to pay over the money, but from the demand for a horse, which was erroneously supposed to be in his possession.

3. The defendant had a claim against the prosecutor, which he fairly presumed entitled him to offset.

4. The family are in destitute circumstances and have no means of earning a livelihood while the husband and father are in prison.

5. The health of Frank is becoming seriously impaired.

GEORGE MCGOLDRICH, Dauphin. *Larceny.* Sentenced May 2, 1879, to pay a fine of $20, and undergo punishment by confinement in the Eastern Penitentiary for and during the term of three years. Pardoned October 28, 1879.

Reasons.—1. It is a case of mistaken identity. (See depositions of James Clark and James Harvey, convicted of the crime, and Joseph McKeever, John Duffy, and James McAllister.)

The district attorney writes: "The defendant had little time for preparation for a defense, and, from information obtained since the trial, I am satified that the prosecutor was clearly mistaken and incorrect in part of his story." Letters from many reputable citizens of Baltimore and Harrisburg certify to the good character of the accused.

FRANK HOOK, Allegheny. *Larceny.* Sentenced July 20, 1878, to pay a fine of six cents and undergo an imprisonment in the Western Penitentiary for and during a period of three years. Pardoned October 28, 1879.

Reasons.—1. It was a case of mistaken indentity. (See letter of Hon. J. U. Gillespie, the person who was robbed.) Letters of Lawrence Cook, officer who prosecuted, Thomas Pender, chief of police, Thomas M. Marshall, Hon. Russell Errett, D. O. Barr, and others. The sworn confession of James Oyler, who was afterwards convicted of the same offense, exonerating Hook, is also on file.

JOSEPH CROWN, Allegheny. *Misdemeanor, conspiracy.* June 10, 1879.

Sentenced to pay a fine of $100, imprisoned in the Allegheny county jail for one year. Pardoned October 28, 1879.

Reasons.—1. The co-conspirators, James H. Roush and William Scott, have been pardoned, and the same reasons given in our letter of April 10, 1879, exist in this case, briefly: Prisoner's good character and reputable family and connections of the prisoner, and sufficient vindication of the law by conviction and sentence and the punishment already suffered.

2. The pardon is recommended by John H. Bailey, Thomas M. Marshall, Esqs., William Reardon, William F. Aull, Messrs. Staufman, Opperheimer & Co., Captain W. S. Wilkins, Josiah Cohen, W. C. Moreland, Esqs., Messrs. Henderson & Bros., Messrs. Klea & Bro., Thomas H. Biglow, J. S. Rutan, Charles H. Paulson, and many other respectable citizens of Pittsburgh, by letters and petitions.

JOHN T. MATTHEWS, Allegheny. *Receiving stolen goods.* Sentenced April 8, 1876, in the aggregate to pay a fine of eighteen cents and undergo an imprisonment in the Western Penitentiary for a period of nine years. Pardoned November 18, 1879.

Reasons.—.

1. The prisoner was convicted upon three indictments for what appears to have been one offense, and sentenced to the maximum punishment, in all nine years. The principals received respectively five and seven years each. Matthews has been in prison three years and eight months, or with the commutation to which he is entitled, one year beyond the maximum punishment prescribed for the offense.

2. According to the certificate of the prison physician on file, Matthews has been under medical treatment during his whole term, for weak lungs, which have now developed into pulmonary consumption, and further confinement will endanger his life.

WILLIAM A. NICHOLSON, Venango. *Seduction and fornication and bastardy.* Sentenced September 5, 1879, to pay a fine of $500, and undergo an imprisonment in the Western Penitentiary by separate and solitary confinement at labor for and during a term of one year. Pardoned November 21, 1879.

Reasons.—The Board are satisfied that the defendant was guilty of fornication, but have serious doubts of the crime of seduction, and in consideration of his previous good character and high standing in the community, and the recommendations of the jurors, and large numbers of most excellent citizens of Venango county, recommend the remission of the imprisonment upon the payment of the fines and costs, and the deposit of $500 for the support of the child.

ISAAC ELLIOTT, DANIEL LAFFERTY, Allegheny. *Rape.* July 1, 1876. Sentenced to pay a fine of six cents and imprisonment in Western Penitentiary for fourteen years. Pardoned January 21, 1880.

Reasons.—"The pardon is asked for by the district attorney upon the

following grounds: The rape was alleged to have been committed on a hillside back of Allegheny city, at eleven o'clock at night, when the prosecutrix then was with her lover, a German. By the affidavit of Peter Bolster, ex-alderman, it appears the girl first laid information against her lover, and afterwards charged the crime on the defendants, Isaac Elliott and Daniel Lafferty; apart from that, however, the district attorney claims it to have been a case of mistaken identity, and produces affidavits and letters in support of that view too long and numerous to cite, but to which the attention of your Excellency is invited.

Robert VanDyke, Columbia. *Larceny.* February 10, 1879. Sentenced to pay a fine of $50 and imprisonment in the Eastern Penitentiary for two years. Pardoned January 21, 1880.

Reasons.—"The president judge and two associate judges write as follows, viz:

"We have no hesitation in expressing our opinion that he has already suffered sufficient punishment for his offense, if guilty. He has now been in prison nine months. His further imprisonment can be productive of no public good and may be doing injustice to him." In a subsequent letter the president judge writes: "Since the sentence I have not felt satisfied that the circumstances were not consistent with the innocence of defendant. If there had been a motion for a new trial it is quite probable the case would have been reconsidered here. By the papers already before you it will be seen that the judges who tried the case, the district attorney who prosecuted, the entire bar, all the officers of the county, and prominent citizens besides are entirely of the opinion that this is a proper case for the exercise of executive clemency."

Henry Townsley, Lancaster. *Felonious assault and battery.* November 20, 1878. To pay a fine of $20 and imprisonment in Lancaster county prison for three years and six months. Pardoned January 20, 1880.

Reasons.—"1. The age of the boy (fifteen years) at the time of the offense and his previous good character.

2. He was induced by his stepfather to commit the act in revenge for supposed wrongs done to his mother. (See affidavit of Dr. Smith and Amelia Swilkey and others.) The stepfather was connected as accessory before the fact.

3. The punishment already sufficient and the condition of the boy and his mother.

4. The pardon is recommended by George A. Lane, James H. Marshall, Dr. William Compton, George W. Smith, W. Kennedy, Abram Setley, J. K. Eaby, William B. Wiley, Esqs., and many others.

William S. Jones, Luzerne. *Murder in the second degree.* May 2, 1874. Sentenced to imprisonment at labor in the Eastern Penitentiary for ten years. Pardoned January 20, 1880.

Reasons.—1. "Before the beginning of the difficulties that led to the

commission of the crime, the prisoner was a steady industrious mechanic, standing well in the community in which he lived.

2. Owing to the infidelity of his wife he twice attempted suicide, and in the nervous tension bordering on insanity, produced by drugs taken, he had one or two furious quarrels with his wife, and finally with his wife's mother, in which the latter was killed. These facts are more fully set forth in the history of the case on file, which the Board find to be fully borne out by the evidence.

3. The judge writes: 'It will be seen that while there was much of aggravation in the facts immediately connected with the killing, there was also much of provocation. From a memorandum of dates shown to me it appears he has been in confinement in the jail of the county, and in the penitentiary about eight years; that his deportment, during all this time has been excellent. If, as is represented, the objects of punishment have been attained in his case, I see no occasion for his further detention.'

4. The warden of the penitentiary writes: 'William S. Jones has been a good prisoner, and is an industrious blacksmith, capable of earning a living anywhere.'

5. The board are therefore of opinion that the end of justice has been attained, and that the prisoner will become again a good citizen, which is also guaranteed by the recommendation of Hon. Charles Thompson Jones, Hon. T. D. Lewis, Hon. T. V. Powderly, mayor, and Hon. R. H. McCune, M. W. Loftus and W. N. Monies, ex-mayors of Scranton, Hon. W. G. Ward, A. H. Winton, John E. Barrett, A. B. Dunning, E. P. Kingsbury, P. D. Lacy, chief of police, Rev. Theodore C. Edwards and J. B. Harris, a number of city and county officers and officers of the county prison, and a large number of his former neighbors.

JOHN A. RODGERS, Philadelphia. *Murder in the second degree.* June 13, 1873. Sentenced to imprisonment for the term of ten years. Pardoned March 17, 1880.

Reasons.—1. The mayor, after giving the facts in the case, writes as follows: "There seems to be a general impression that the evidence was not of sufficient weight to justify a conviction and the imposition of so severe a sentence. As to myself I have always entertained grave doubts as to the guilt of Rogers. I think, looking at the whole case, it is one that deserves at this time executive clemency."

2. Rogers was a sergeant-of-police, and looking at the fact even in the supposition of guilt, that he was probably actuated by an over-zealous desire to exert his authority, and also considering the doubts surrounding the case, the Board are of the opinion that the full punishment authorized by law for the offense was extremely severe; and as Rogers has now served seven years, they agree with the mayor, whose officer he was, and other prominent citizens, in thinking him a proper subject for executive clemency.

JAMES GEST, Allegheny. *Burglary.* July 10, 1875. Sentenced to

pay a fine of six cents and imprisonment in the Western Penitentiary for seven years. Pardoned March 16, 1880.

Reasons.—The board of inspectors write: "We have deemed it but simple justice to state that the character and value of his service in the prison met our recognition. He has been a most exemplary prisoner, rendering prompt and cheerful obedience to the rules. He has acted for four years as hospital steward, giving entire satisfaction to the prison and physician. He has been an intelligent, faithful, and kind nurse to the sick and dying, never hesitating to expose his life in cases of infective diseases; and in all its responsible and other disagreeable demands he has shown a heartiness and good will that are worthy of more than praise." Upon these facts, indorsed by the chaplain of the prison and others, the Board recommend the extra commutation of the remaining year of his seven years' sentence.

MILTON MATHEWS, Allegheny. *Bigamy.* April 25, 1879. Sentenced to pay a fine of six cents, imprisonment in the Western Penitentiary for three years. Pardoned March 16, 1880.

Reasons.—1. "The previous good character of the young man, and the unimpaired confidence of his neighbors. (See the numerous letters of prominent and respectable citizens and petitioners.)

2. The doubt surrounding his guilt. (See depositions, letters of judges, and opinions of lawyers at the trial.)

3. The judge writes: 'In the case of Milton Mathews, tried before and sentenced by me for perjury, I ask your interference * * * since then (the trial) I have seen a great deal of the true character of some of the witnesses who testified against him upon material matters * * * certain it is, I now have, to say the least of it, very grave doubts of his guilt. His character, as brought to me by his neighbors and those knowing him from childhood, is of the very best kind, and would seem to refute the idea of guilt. * * * There are other circumstances, such as his youth, the peculiar circumstances of his parents' family; but upon these I do not dwell. I put my interference simply upon my belief in his innocence almost to a certainty, which belief is predicated upon facts and representations coming to me since his trial, conviction, and sentence.' The letter of the judge is indorsed by the district attorney: 'I fully indorse the views expressed in this letter.'

4. These facts, are supported by a long number of affidavits and letters and petitions of prominent and reputable citizens, too numerous to specify, but to which we respectfully refer your Excellency."

DAVID MCKELVY, Crawford. *Larceny.* May 17, 1879. To pay a fine of $10 and imprisonment in the Western Penitentiary for one year and four months. Pardoned March 16, 1880.

Reasons.—"1. The previous good character of the prisoner, who is the son of very worthy parents and of respectable family, and in no way identified with the criminal class.

2. The mitigating circumstances surrounding the offense, the larceny

was of clothing, taken in a state of drunkenness, and no attempt at concealment was made.

3. The ten months of punishment already inflicted.

4. The pardon is recommended by the Hon. Hugh McNeill, H. M. Long, I. D. Walker, Mayor Magraw, W. H. Graham, D. L. Smith, W. C. Plummer, Thomas M. Bayne, H. S. Fleming, Ex-Mayor Drum, Thomas H. Hunter, Esq., Sheriff Richard Wilson, chief of police, and the entire police force of Allegheny City, George F. Davenport, Esq., district attorney, J. M. Carson, Esq., John A. Myler, Jason Budd, the prosecutor, and between two and three hundred citizens."

ALBERT LINCOLN, Allegheny. *Burglary.* March 16, 1876. Sentenced to pay a fine of six cents, and imprisonment in the Western Penitentiary for six years. Pardoned March 16, 1880.

Reasons—1. The crime was not of an aggravated character, and was the first offense of the prisoner, who was about eighteen years old at the time it was committed, and was probably led astray by older confederates. (See letters of district attorney and others.)

2. The sentence was exceptionally severe, and he has already served four years with more than ordinary good report. (See letters of president of the board of inspectors, prison chaplain, and other officers.)

3. If released he can at once secure permanent employment, and opportunity to recover his own character and assist his mother and sisters, whom the recent death of his brother has left without support.

4. The judge writes: "His *uniform*, more than ordinary, good conduct in prison, the great interest taken in him by the chaplain, the instructor, and other good citizens inside and outside of the penitentiary, and the further fact that one of our very best citizens has such confidence in him as to take him at once into his employment, convince me that clemency would be properly exerted in his case, and the ends of justice fully subserved. It is one of those cases where, as I think, the functions of the Board of Pardons could be properly invoked."

The district attorney writes: "He was at the time quite young, being eighteen years of age, and was doubtless led into the commission of the offense by his companions. I think he has already been imprisoned longer than the circumstances demand."

5. The pardon is recommended, in addition, by Hon. T. H. Nevin, Hon. J. K. Morehead, Rev. J. S. Travelli, J. L. Milligan, James H. Pool, John Sergeant, R. L. Thompson, William Thaw, J. F. Slagle, Harry W. Oliver, Esqs., and Joshua Kitchen, the prosecutor.

M. C. HALL, Beaver. *Larceny.* December 4, 1877. Sentenced to pay a fine of $25 and imprisonment for five years. Pardoned March 18, 1880.

Reasons.—The district attorney writes: "In view of all the circumstances, his youth, his capabilities for a better life, the earnest efforts of a noble mother and two devoted sisters to reform him, and the vindication of the law by his sentence and imprisonment for two and half years, I

would respectfully recommend that the remainder of his term of imprisonment be remitted and that he be recommended for pardon." The judge writes: "His father, mother and relatives I have long known, and they are of respectable character, and if it should appear to you that the punishment already suffered is sufficient for his reformation, then for the sake of his friends and his health I would unite in recommending a pardon."

Albert Yonkers, Cumberland. *Violating tramp act.* November, 1879. Sentenced to jail of Cumberland county for nine months. Pardoned March 27, 1880.

Reasons.—The judge writes: "I have called before me Dr. W. F. Riley, and I am convinced from what he says that the health of the prisoner, Albert Yonkers, is in a very serious condition, from which there is no hope of a permanent recovery, and that he is in consequence a proper subject for executive clemency. I therefore recommend his pardon."

The same fact is set forth by the affidavit of Dr. Riley, and a similar certificate is signed by the sheriff, deputy sheriff, county treasurer, and the commissioners.

William P. Delaney, Allegheny. *Felonious assault.* April 7, 1879. Sentenced to pay a fine of twelve cents, and imprisonment in the Western Penitentiary for seven years. Pardoned April 20, 1880.

Reasons.—1. The trouble, out of which this conviction grew, arose from the bitter opposition of the father of defendant's wife to his marriage, and was apparently designed to entrap or enrage him into some offense.

2. The defendant had always been an industrious, law-abiding citizen, and until estranged by his father-in-law, had treated his wife and family well, and until deprived of seeing his children, had never, even in his attempts to visit his wife at her father's, been violent. (See letter of wife, dated December, 1879.)

3. The prisoner's health is very much impaired. (See certificate of prison physician.)

4. The pardon is recommended by the chaplain of the prison, representatives, members of council, proprietors of newspapers, ten of the jurors in the case, and by hundreds of prominent citizens and business men.

James Brown, William Ward, Allegheny. *Conspiracy; barratry.* Sentenced upon first indictment, September 13, 1877, to pay six cents and imprisonment in the Western Penitentiary for three years. On second indictment pay six cents and imprisonment in the Allegheny county workhouse for one year, to take effect at expiration of first sentence. Pardoned April 20, 1880.

Reasons.—1. Considering the offenses, which were substantially one and the same act, the Board are disposed to remit the additional punishment upon the petitions filed.

2. The prisoner is a young man of previous good character, and this is his first offense.

3. The pardon is asked for by the president of the *Liquor League*, which prosecuted the case; by numerous dealers, and by the district attorney and many eminent citizens.

WILLIAM ST. CLAIR, Allegheny. *Unlawful wounding.* July 19, 1879. Sentenced to pay a fine of six and a quarter cents and imprisonment for two years in the Allegheny county work-house. Pardoned April 20, 1882.

Reasons.—1. The district attorney writes: "After the trial I confidently expected a verdict of acquittal, as I did not see how the jury could find otherwise." Affidavits of eye-witnesses of the affray, not witnesses at the trial, read to the Board, and placed on file, confirm this view.

2. The prisoner is a youth whose previous good character was shown by many reputable witnesses. He has already been imprisoned more than usual for a simple assault, which, in view of his previous reputation and the doubts surrounding the case, the Board deem sufficient.

3. The pardon is recommended by the jurors, General J. D. Imboden, General A. L. Pearson, R. M. Snodgrass, J. M. Carson, Charles F. McKinney, William A. Fuller, John L. Kennedy, and many other prominent citizens and officials.

GEORGE BECK, Philadelphia. *Embezzlement.* Sentenced January 23, 1879, to pay a fine of fifty dollars, and undergo imprisonment in separate or solitary confinement at labor in Philadelphia county prison for the term of eighteen months. Pardoned April 21, 1880.

Reasons.—1. The previous unblemished character of the defendant in all official and private relations, and the worth and respectability of his family and connections are certified to by undoubted evidence. The judge writes: "I have known him for many years and have also known others of his family for at least twenty years. He and they have always been respectable people with enviable reputations for honesty and good behavior."

Mr. Theodore McMurtrie, chief interest clerk, and Mr. William C. Barnes, book-keeper, in the United States Assistant Treasury, certify to the scrupulous correctness and unquestionable integrity while in the employ of that office. Twenty-one members of the Philadelphia representation to the Senate and House, sixty-six members of select and common councils, thirty-five members of Post No. 8, G. A. R., and a large number of prominent citizens have filed petitions and letters to the same effect, recommending the pardon.

2. Chief Engineer William H. McFadden, writes: "When I became cognizant of the abuses which had been permitted to grow up in the water department, it became my duty to eradicate a system filled with temptation, and, in a measure, responsible for the consequences which followed * * * * * This, in my judgment, with his plea of guilty, deserves your clemency."

3. The amount taken was small, and in view of his plea of guilty, and the conviction of the graver offenders, together with the previous good

character of the defendant, the sufferings of his family, and the continued confidence of his friends, the Board are of opinion that the six months' imprisonment already inflicted has been sufficient puhishment, and his liberation at this time will be no encouragement to future crime in others.

George Kearney. Philadelphia. *Embezzlement.* Sentenced January 23, 1879. To pay a fine of $50 and imprisonment in solitary confinement at labor for eighteen months in the Philadelphia county prison. Pardoned April 21, 1880.

Reasons.—1. "The previous unblemished character of the defendant in all official and private relations, and the worth and respectability of his family and connections, are certified to by undoubted evidence. The judge writes in the letter already quoted in the corresponding case of George Beck: 'For all that I know or have heard, Kearney and his family are entitled to as much regard.' Twenty-one members of the Philadelphia representation to the Senate and House, sixty-six members of select and common council, thirty-five members of Post No. 8, Grand Army of the Republic, and a large number of prominent citizens have filed petitions and letters to the same effect recommending the pardon.

2. Chief engineer, William H. McFadden, writes: "When I became cognizant of the abuses which had been permitted to grow up in the water department, it became my duty to eradicate a system filled with temptation and in a measure responsible for the consequences which followed. * * * * This, in my judgment, with his plea of guilty deserves some clemency."

3. The amount taken was small, and in view of his plea of guilty, and the conviction of the graver offenses, together with the previous good character of the defendant, the sufferings of his family, and the continued confidence of his friends, the board are of opinion that the six months, imprisonment already inflicted has been sufficient punishment, and his liberation at this time will be no encouragement to future crime in others.

4. The family physician testifies to the dangerous nervous prostration of his mother which can only be relieved by removing the cause of her mental distress.

William H. Kemble, Jesse R. Crawford, W. F. Rumberger, Emile J. Petroff, and Charles J. Salter, Dauphin. *Corrupt solicitation.* Sentenced April 26, 1880, to pay a fine of $1,000 and undergo imprisonment in the penitentiary for the Eastern District of Pennsylvania by separate or solitary confinement at labor for the term of one year. Pardoned April 30, 1880.

Reasons.—The Board of Pardons recommend that so much of that sentence of the court of quarter sessions of Dauphin county which imposes imprisonment by separate and solitary confinement at labor in the Eastern Penitentiary on William H. Kemble, Jesse R. Crawford, W. F. Rumberger, Emile J. Petroff, and Charles J. Salter for the crime of corrupt solicitation of members of the Legislature be remitted, and the remainder thereof im-

posing payment of a fine and costs and disqualification to hold any office of trust or profit under the Commonwealth be executed for the following reason: The act of 1874 defining the crime of corrupt solicitation provides for simple imprisonment. No power is lodged in the courts by the Constitution or laws to add to or impose conditions not contained in the statute. The sentence in these cases superadds to the statutory punishment the condition that the imprisonment shall be by separate and solitary confinement at labor in the penitentiary, and that the prisoners shall be fed and clothed as provided by law. In numerous analogous cases the Supreme Court of the State has decided such enlarged sentences unlawful, and by the common law imprisonment in the penitentiary has always been regarded as infamous. In view of the foregoing facts and the severity of the punishment remaining to be executed for an offense recently made punishable and for which these are the first convictions, we make the foregoing recommendation.

GEORGE BOYER, Carbon. *Larceny.* March 10, 1877. Sentenced to pay a fine of $160, and imprisonment in the Eastern Penitentiary for seven years. Pardoned May 21, 1880.

Reasons.—

"1. I believe the ends of public justice and interest have been reached by the punishment already endured.

2. I have visited the prisoner, and from personal observation and information received, I believe a thorough reformation has been effected in the character of this young man.

3. His conduct and industry in prison, I understand, have been commendable. He is a good workman, and by extra work has been enabled to send some money to his parents, who very much need it.

4. His father died last winter under distressing circumstances, and his widowed mother much needs his assistance.

5. I believe if he should now be pardoned, he may become a useful citizen. He has lately attained his majority, and further imprisonment might discourage him in his present resolution to make a faithful effort to be of service to his mother, and to establish a character and become an industrious and useful citizen.

Believing that his further imprisonment would not subserve any public interest, and that his release, at this time, may save the young man, I feel free to recommend his pardon."

Very respectfully, yours,

(Signed) SAMUEL S. DREHER,
President Judge, Forty-third District.

(Endorsed by) R. LEONARD,
Associate Judge for Carbon county.

2. And a letter of similar import from the other associate on file.

JOHN SAUBER, Lancaster. *Rape.* February 28, 1879. Sentenced to pay a fine of $50, and imprisonment for three years. Pardoned May 18, 1880.

Reasons.—That the defendant is innocent; that the prosecutrix has

since been committed to the House of Refuge for attempting to blackmail another citizen on the same charge; that she has repeatedly, since the trial, admitted the innocence of the defendant, and that she perjured herself at the instance of her mother, Mrs. Bowers, a tenant of Sauber, who had been confined in jail, and had instituted prosecution against both Sauber and his wife on a previous occasion, and evidently bore them a grudge. An essential witness, John Ritter, erroneously supposed at the time to be an accomplice, and a fugitive from justice, was subsequently charged by the prosecutrix with the same crime, and immediately discharged. His testimony, if it could have been had at the trial as it is now laid before the Board, in his affidavit, would have cleared Sauber. The above facts are fully set forth in the certificate of the president judge, Hon. J. B. Livingston, and the district attorney, B. Frank Eshleman, Esq.; the affidavit and deposition of John Ritter and Elizabeth Frazier, and the letters of jurors, lawyers, court officers and citizens.

Joseph Schluter, Philadelphia. *Manslaughter.* November 1, 1879. Sentenced to pay a fine of $1 and imprisonment in the Eastern Penitentiary for four years. Pardoned May 18, 1880.

Reasons.—1. Ernst Joseph Schluter was born in Prusia in 1848, has a certificate of character and good citizenship from the minister of that country, dated January 12, 1874, releasing him from allegiance on emigrating to North America, having been decorated by the Emperor on August 1, 1871, with the "steel war medal," accompained with combatants ribbon for faithful service and personal bravery in the victorious campaign of 1870–71, and having been favorably mentioned by his superior officers for services in the hospital. Copies of translation of the documents are on file.

2. Schluter was returning home about quarter ten, P. M., holding in his hand a pitcher of beer just purchased. As he passed the beer saloon of Charles Herman, with whom he had formerly dealt, the latter came up to him and entered into an altercation about an alleged unpaid bill for beer. Herman had a chair rung in his hand, and after striking Schluter in the face began assault upon him with the chair rung. Schluter backed away from him, at the same time holding up his left arm to ward off the blows. After two further blows had been struck, Schluter hit Herman with the pitcher, which he still had in his hand. After some days erysipelas set in, and Herman died January 20, 1879. All the facts were brought out very fully before the corner's jury, which found the following verdict:

"That Charles Herman came to his death on June 20, 1879, from erysipelas, the result of a scalp wound produced from the blow of a pitcher in the hands of Joseph Schluter, while defending himself from an attack made by the decease, Charles Herman, on June 5, 1879, at Eighth and Dickerson streets."

The prisoner was then discharged. Subsequently, he was indicted, tried, and convicted of manslaughter upon exactly the same testimony. The

jury made a recommendation of mercy. There is no dispute whatever about the facts. (See notes of testimony and depositions.)

3. Eleven jurors join recommending the pardon, and numerous neighbors and citizens. See petitions and letters of Honorables John C. Grady, George Handy Smith, John Lamon, John E. Reyburn, John Cochran, Revs. Aug. F. Horstman, Bernard Dorohege, and John B. Maus, and others.

4. Imprisonment is impairing his mind, and the physician and wardens of the prison are of the opinion that continued confinement will produce permanent dementia. (See letters of Mr. Newlin.)

WILLIAM DOUGLASS, Philadelphia. *Manslaughter.* March 9, 1878. Sentenced to pay a fine of one cent, and imprisonment in the Eastern Penitentiary for seven years. May 21, 1880. Pardon granted.

Reasons.—1. Up to the time of the homicide, Douglass was an honest citizen.

2. Douglass was first and fiercely attacked, and did not fire until he had retreated through two rooms to a closet door, and had been severely beaten and hurt; there are very grave doubts whether the act was not one of self-defense. (See affidavit of Mrs. Douglass, Thomas R. Wright, George Whitehead, and two of the jurors, Messrs. Cost and Adler.) Considering the circumstances, the time he has already been in prison, over two years, is a sufficient punishment, if any should have been inflicted.

3 He is the only support of a wife and four children, and the pardon is recommended by eleven of the jurors, and some hundreds of respectable citizens. (See petitions.)

GEORGE ROCTHLEDER, Allegheny. *Conspiracy.* October 29, 1878. Sentenced to pay a fine of $1,000, and imprisonment in the Western Penitentiary for three years. Pardoned May 18, 1880.

Reasons.—1. The co-conspirators have been pardoned.

2. The offense was a trivial one, settling the prosecution in a liquor case for a small amount, and the sentence imposed excessively severe.

3. The defendant was, until this offense, of good repute, and the year and seven months' imprisonment already endured is a sufficient punishment.

ANDY EUBRY, Allegheny. *Burglary.* March 15, 1878. Sentenced to pay a fine of six cents, and imprisonment in the Western Penitentiary for five years. Pardoned May 18, 1880.

Reasons.—1. Andy Eubry, the prisoner, is a laboring man, and had always borne a good character for industry and honesty, but occasionally got on a spree. (See letters and petitions signed by Honorables Hugh McNeill, J. M. Gazzam, John Gilfillan, A. H. Voegtly, Rev. P. M. Jegger, and other citizens of Allegheny county.) At the time of the offense, he was about twenty-one.

2. He was not connected with the crime, except that he was found at the house where the officers went to arrest the others, after the robbery was committed, drunk and asleep. (See deposition of prosecutor and officers who made the arrest.

3. His parents are old, poor, and infirm, with eight children younger than Andy, who always contributed his means and labor to the support of the family.

4. He has been in prison two years and two months; and considering the grave doubts of his actual participation in the crime, his previous good repute, and long imprisonment, we are of opinion that the ends of justice have been subserved.

George W. Fitz, Dauphin. *Rape.* August 30, 1878. Sentenced to pay a fine of $100, and imprisonment in the Eastern Penitentiary for three years. Pardoned July 6, 1880.

Reasons.—1. The Board are of the opinion, after an examination of the evidence and affidavits on file, that the witness, James Gladhill, told the truth. His levity amounting almost to idiocy, and *infirmities* led the jury to believe he committed perjury, otherwise they must have acquitted Fitz.

2. He has served two thirds of his sentence. The court evidently entertained doubts of his guilt from the sentence imposed of three years only, and, as the Board have grounds for greater doubt, they think he has been more than punished for a crime of which he was, in all human probability, innocent.

William Keagle, Dauphin. *Larceny.* February 6, 1876. Sentenced to pay a fine of $2, imprisoned in the Eastern Penitentiary for three years and one month. Pardoned July 15, 1880.

Reasons.—The accompanying affidavit of Doctor Porter, and the certificate of Doctor Hamill, the resident physician of the prison, show that the prisoner is in the last stages of consumption.

The certificate, after a full account of his condition, closes as follows: "I consider him in a dangerous condition, and think that if the disease continues to be as progressive as it has been, that he will not live long. I would say that possibly he might, if outside, prolong life a short time, but not fully recover."

Joseph Nottingham, Allegheny. *Burglary.* September 10, 1877. To pay a fine of six cents, and imprisonment in the Western Penitentiary for two years. Pardoned July 6, 1880.

Reasons.—At the time the offense was committed, he was seventeen years of age, it was his first offense, and he has already served three years.

2. In June, the prison physician writes: "This is to certify that Joseph Nottingham, a prisoner in this institution since September 10, 1877, has been under treatment for the past two years, for pulmonary consumption, with severe attacks of hemorrhage of the lungs." Endorsed by the board of prison inspectors.

3. The district attorney recommends the pardon.

Minnie Roller, Philadelphia. *Larceny.* December 14, 1878. Sentenced to pay a fine of one cent, and imprisonment in the Philadelphia county prison for three years. Pardoned July 6, 1880.

Reasons.—1. The statement of the board of inspectors of the Philadelphia county prison on file, and the accompanying resolution herewith inclosed.

2. It is her first offense.

JAMES HANNA, Mercer. *Rape; assault with intent to rob.* February 22, 1873. Sentenced to pay a fine of $2 and imprisonment in the Western Penitentiary twelve years. Pardoned July 6, 1880.

Reasons.—From the papers and letters on file the board are of the opinion that the prisoner was not guilty of any attempt to rob, and that his plea of guilty hereto was made through ignorance.

The judge writes that there can be no objection to a pardon of that part of the sentence, and the district attorney and numbers of prominent citizens of Mercer county recommend it.

The sentence for rape, under the commutation act, expires on May 22, 1880, and as the prison authorities certify to the good conduct of the prisoner, the board respectfully recommend that the remainder of the sentence be remitted.

KATE WHITE, Lycoming. *Keeping a bawdy-house.* Sentenced March 6, 1880, to pay a fine $100 and imprisonment in the Eastern Penitentiary for eighteen months. Pardoned September 21, 1880.

Reasons.—1. "The statute provides simple imprisonment for the offense.

2. The health of the prisoner is greatly impaired.

3. The judge and district attorney write that they have no objection to the pardon, and the petition is indorsed by many reputable citizens.

KIRTLAND CAMPBELL, Lawrence. *Rape.* June 21, 1879. Sentenced to pay a fine of $1,000 and imprisonment in the Western Penitentiary for nine years. Pardoned September 21, 1880.

Reasons.—1. The prisoner was convicted upon the uncorroborated testimony of Anna Raney, on whose person the alleged rape was committed. According to the testimony, for three or four weeks Campbell was frequently at the house at which she was staying, and frequently hugged and kissed her. The intercourse was had on the 28th of April, in the front room of a small house in a populous city, with Mrs. Ellsworth and her daughter in the next room or in the yard, and a large factory within fifty feet. No outcry was made, and no complaint made until the 2d of June following. In the meantime the girl and Campbell continued on apparently the same footing as before. (See printed testimony.) The Judge writes: "I have since looked over the evidence, and in view of the same, and my reflections thereon, I am satisfied that the pardon asked for should be granted. I do not believe he is guilty of any higher offense than adultery, and that he has been sufficiently punished (for) however aggravated that offense may have been."

2. A great number of responsible public men, citizens, and business men, indorse the pardon. (See letters and petitions.)

3. The prisoner has been confined three months beyond statusory imprisonment for adultery.

JAMES DUFFIN, Philadelphia. *Conspiracy.* April 9, 1880. Sentenced to pay a fine of $100, and imprisonment in the Philadelphia county prison for the term of nine months. Pardoned September 21, 1880.

Reasons.—1. The previous good character of the prisoner.

2. It being his first offense, and of a venial character.

3. He is the only support of his aged and infirm mother.

4. He has served over five months, and further confinement will surely impair his health.

FRANK FREY, York county. *Assault and battery, aggravated assault and battery.* April 15, 1878. Pay a fine of $9, and undergo imprisonment in the county jail for five years. Pardoned September 21, 1880.

Reasons.—1. The prisoner is a young man nineteen years of age, of previous good character, with an aged and infirm mother depending upon him for support. And at the time this, his first offense, was committed, he was greatly intoxicated.

The president judge writes: "I have read the petition and testimony in the matter of the application of Frank Frey for a pardon, and believe the facts therein set out are correct. I think the case is one of which calls for clemency."

2. The prisoner's health is greatly impaired and his life endangered by confinement. In a later communication the judge writes: "I believe, from the information that I have received, that his health is much impaired by his long confinement; for this reason I recommend his pardon."

Three certificates by Dr. Samuel I. Brouse, physician to York county prison, and one of Dr. John Ahl, physician to county hospital, speak of his constantly declining health, and says: In our opinion, (he) will hardly live to serve out his time of imprisonment." These facts are also certified to by the sheriff, keeper, and deputy, and the chaplain of the prison. (See letters.)

ROBERT CUNNINGHAM, Philadelphia. *Conspiracy.* Sentenced to pay a fine of $100, and undergo imprisonment in the Philadelphia county prison for the term of nine months. Pardoned September 26, 1880.

Reasons.—1. The original sentence was nine months, and during the five months of the prisoner's confinement his house has been sold, and his wife and five small children reduced to poverty, and unless he is released, must suffer greatly.

2. The offense is not of the grave character that demands the unbending administration of justice, and the claims of the wife and children can be considered without detriment to the public welfare.

3. The pardon is recommended by Hon. William Graham, Hon. J. H. Fulmer, Philip A. Allen, B. N. Faunce, John Donahue, William H. Hazlett, I. Kochersperger, and many other citizens.

DARBY MCDONOUGH, Allegheny. *Conspiracy.* Sentenced October 29, 1878, to pay a fine of $1,000, and imprisonment in the Western Penitentiary for three years. Pardoned September 21, 1880.

Reasons.—1. This was the first offense of the prisoner, who had theretofore borne a good character. (See letters of public officers and prominent business men on file.)

2. Three years was an exceedingly severe sentence, and of that he has served two.

3. He has a wife and family dependent on him for support, and reduced by imprisonment to destitution.

4. His co-conspirators have been pardoned.

5. The letters of Hon. Robert Liddell, mayor; Thomas A. Pardee, chief of police, Pittsburgh; Gen. A. L. Pearson, Thomas S. Bigelow, W. J. Fullerton, J. W. Jones, H. Haddock, J. A. Lippert, C. O'Donnell, and other public officers; Messrs. A. J. Barr, James Taylor, Thomas H. Aumtre, William Witherow, C. L. Magee, Thomas M. Marshall, Hon. J. C. Newmyer, and petitions signed by great numbers of citizens and business men, recommend the pardon.

JOHN MALOY, Tioga. *Rape.* May 12, 1879. Pay a fine of $1, imprisonment for five years in the Eastern Penitentiary. Pardoned September 22, 1880.

Reasons.—1. The prisoner was convicted on the testimony of the prosecutrix. Deposition taken afterwards shows that she was utterly untrustworthy, showing conclusively that she was a prostitute, and that the prosecution for rape was instituted in the hope of blackmailing.

"After considering the within application and subsequent revelations, as disclosed by the evidence, I recommend the pardon of John Maloy."

(Signed) S. F. WILSON,
Additional Law Judge.

(Endorsed by) JEROME B. NILES,
Associate Counsel.
HORACE B. PECKER,
District Attorney.

2. He has been confined over a year.

WILLIAM C. SIMONS, Crawford. *Burglary.* January 20, 1879. Pay a fine of $10, imprisonment in the Western Penitentiary for three years. Pardoned November 16, 1880.

Reasons. The extenuating circumstances surrounding Simons connection with the crime, and the valuable information given, and aid which can be given for the apprehension and punishment of worse criminals. The president judge writes: "Permit me to express my hope that your Board will make a favorable disposition of the application for pardon of W. C. Simons. I believe his truly romantic story, and that he was in the beginning of his career more sinned against than sinning. I believe his pardon would not derogate in any wise from your Board's theory of letting the law take its course in ordinary cases."

JOHN W. O'DONNELL, Philadelphia. *Assault and battery with intent to*

kill. January 4, 1878, fine of one cent and imprisonment in the Eastern Penitentiary for four years and ten months. Pardoned November 16, 1880.

Reasons.—1. The assault was prompted by jealousy and indignation, on finding his wife in equivocal circumstances with a white man.

2. O'Donnell is a man of feeble mind. (See letter of Dr. Vernon and John L. West, Esq.)

3. The mother and family of the prisoner are poor, and need his labor for support.

4. Nearly two years of the original sentence have been served.

JAMES HANLON, Allegheny. *Felonious assault and battery.* April 13, 1876, pay a fine of six and one quarter cents, and imprisonment in the Western Penitentiary for seven years. Pardoned November 15, 1880.

Reasons.—1. The sentence was extraordinarily severe, and the prisoner has already served nearly three years.

2. If released, he can now obtain employment, and his father will remove him to his farm in Minnesota.

3. The pardon is recommended, in consideration of the above, by the district attorney, Major Montooth, Hon. Thomas M. Bayne, B. F. Kennedy, F. M. Magee, Hon. C. L. Fetterman, Hon. Thomas Marshall, Hon. Peter Zern, Hon. J. S. Rutan, James Taylor, Esq., and others.

THOMAS STEWART, SIDNEY B. THOMAS, MARK FALLON, JOHN BOYD, Philadelphia. *Conspiracy.* January 31, 1880. Each sentenced to pay a fine of $100, and imprisonment in Philadelphia county prison for the term of twelve months. Pardoned November 16, 1880.

Reasons.—1. In the case of two of the prisoners, Fallon and Boyd, the Board are satisfied from the testimony of their neighbors and former employers, that they were men of good character, who were led to the commission of the offense through ignorance. The judge says: "I have received satiefactory evidence that two of the men sentenced by me in January last, for violation of the election laws, viz: John H. Boyd and Mark Fallon, were, previous to their conviction, men of good character, and that one or both of them were ignorant of their duties as election officers, and were probably wickedly influenced by others to their criminal action; both of them appear to have been industrious and hard-working men, having each a wife and young children dependent on them for support.

2. From information before the Board the same reasons apply to the others.

3. The pardons of the prisoners are recommended by lengthy petitions of the neighbors signed: Rev. John A. Goodfellow, William T. Eva, D. D., Prof. Mathew Gailey, D. D., Rev. W. H. Gailey, George De B. Keim, Esq., and a large number of business men of Philadelphia.

4. They have already served ten months of the twelve to which they are entitled, and if now released can probably procure immediate employment.

ROBERT P. KING, Philadelphia. *Embezzlement.* January 18, 1879. To pay a fine of $409 51, the cost of prosecution, and imprisoned in the Eastern Penitentiary for the term of two years and two months. Pardoned November 16, 1880.

Reasons.—1. The previous good character as a citizen and a soldier, and the honorable parentage of the petitioner entitle him to favorable consideration.

2. The condition of his widowed mother, and wife and children plead for mercy.

3. Three of his partners in the crime, after serving nearly their full term, were pardoned and released. He has already served nearly two years of a severe sentence.

4. Hundreds of prominent citizens acquainted with the antecedents and previous character of the prisoner, petition for his pardon: Rev. Richard Newton, Charles W. Buoy, Hons. William McMichael, M. H. Stanton, John B. Linn, General William McCandless, Colonel R. Lorr, C. W. McKeenhan, Thomas Latimer, George F. Keyser, Esq., and many others.

PHILIP MURRAY, Allegheny. *Voluntary manslaughter.* June 24, 1876. To pay a fine of six cents and undergo an imprisonment in the Western Penitentiary during a period of ten years. . Pardoned November 16, 1880.

Reasons.—1. The youth of the prisoner, being in his nineteenth year when the offense was committed; his former good character and mitigating circumstances surrounding the crime.

2. Taking these facts into consideration the Board regard ten years' imprisonment extremely severe, especially as the verdict was accompanied by a recommendation to the mercy of the court. After an imprisonment of nearly six years, eight of the jurors petition for his pardon.

3. The above facts are set forth, and the pardon recommended by letters of Hon. T. V. Powderly, mayor of Scranton; Hon. William H. Monies, Hon. John M. Thompson, Hon. John M. Greer, Hon. Thomas M. Marshall, Josiah King, F. M. Magee, John E. Barrett, Esqs., and I. L. Milligan, chaplain Western Penitentiary, and by petitions signed by Hon. J. A. Scranton, A. W. Dickson, E. S. Jackson, J. A. Price, F. D. Collins, F. L. Hitchcock, E. P. Kingsbury, Lewis Pugh, Esqs., and hundreds of citizens of Scranton, his former home, and many citizens of Pittsburgh.

STEWART WALKER, Centre. *Horse stealing.* August 31, 1877. Pay a fine of $1, and imprisonment in the Western Penitentiary for ten years. Pardoned November 16, 1880.

Reasons.—1. Continued sickness and probability of death at an early day.

WESTERN PENITENTIARY,
ALLEGHENY, *November 26, 1880.*

This is to certify, that Stewart Walker, a prisoner at present confined in this institution, has been under medical treatment almost constantly since

his admission for confirmed pulmonary consumption. His present condition is alarming; he cannot possibly live many weeks.

(Signed) D. M. Rankin, M. D.,
Physician.

Approved by the Board of Inspectors.
(Signed) I. H. Nevin,
President.

2. His widowed mother, who is the owner of a small homestead in Huntingdon county, prays to take him home to make his last days comfortable.

Frank X. Brehm, Allegheny. *Accessory to a felony after the fact.* October 11, 1879. To pay a fine of $10, and imprisonment in the Allegheny county work-house for two years. Pardoned November 6, 1880.

Reasons.—1. The circumstances surrounding the case render it doubtful if the act of which the prisoner was convicted was the result of previous collusion or the impulse of the moment. The district attorney writes: "Perhaps when he committed the offense he was not aware that he was committing crime, and I think he has already suffered enough."

2. The prison authorities certify to the good character of the prisoner, (see superintendent's letter,) and the judge writes: "Very likely his imprisonment may have been sufficient for his reformation, and that a pardon may aid him to recover his former reputable position."

3. The above facts are set forth, and the pardon recommended by Hon. Thomas Magraw, mayor of Allegheny City; Hon. Hugh McNeill, George L. Waters, Esq., Malcom Hay, Esq., Charles F. McKenna, Peter Water, Jr., Esq., Hon. J. S. Rutan, A. W. Kidder, Esq., Hon. Thomas M. Bayne, L. Peterson, and others.

4. Prisoner has already served thirteen months.

Humphrey Stewart, Venango. *Rape.* September 5, 1879. Sentenced to pay a fine of $1, and imprisonment in the Western Penitentiary for a period of seven years. Pardoned January 18, 1881.

Reasons.—1. At the time of the occurrence, the prosecutrix was believed to have been a virtuous woman, who was decoyed into a house of ill-fame, intoxicated, and there ravished and inoculated with venereal disease by the prisoner. Subsequently it is proved that the prosecutrix was a common prostitute, (see affidavits of W. H. Kent, Rebecca Hegl, and the letter of the district attorney,) that she had been treated before for venereal disease, (see affidavit of Dr. C. D. Thompson,) and that she went voluntarily to the house, knowing its character, and willingly drank the liquor, and was induced to prosecute by the hopes of keeping up a temporary reputation in a community in which she was little known. (See prosecutrix's own affidavit.) These facts were not brought out on the trial, because the prosecutrix was a recent comer and unknown to the community, and through the misapprehension of Dr. Thompson as to a ruling of the Court. (See his testimony.)

2. The pardon is recommended, and these facts set forth by the letter of the district attorney and the affidavits referred to, and by the petition of Hon. I. H. Osmer, Judge R. S. McCormick, Hon. H. I. Dodd, Hon. W. S. McMullan, and nearly every prominent citizen of the county.

3. The prisoner has been in prison sixteen months for the crime of fornication, which the statute punishes only by a fine.

I. D. WALKER, Philadelphia. *Larceny.* October 6, 1880. Sentenced to imprisonment in the Philadelphia county prison for the term of two years. Pardoned January 18, 1881.

Reasons.—1. "The prisoner belongs to a reputable family in Louisville, Kentucky, and while there bore a good character, (see letters of mayor, ex-mayor, and citizens of Louisville, and of the judges and district attorney of the Ninth judicial district of Kentucky,) and this was his first offense.

2. The offense was trifling, and the prosecutors ask the pardon.

3. The family physician testifies to his general delicate health, and the physician of the county prison writes: 'The only chance of prolonging his life for a short time, at best, is to allow his family to remove him home.'

4. Governor Blackburn, of Kentucky, writes: 'On account of the mother and sister of I. D. Walker now confined in your State prison, who are very estimable and worthy people, I would esteem it a great favor if you can consistently grant him a pardon.'

5. For these reasons, the Board recommend the pardon, as it is understood that he will leave the State."

JOHN JOSEPH DIAMOND, Lancaster. *Burglary.* November 18, 1878. Sentenced to pay a fine of $50, and undergo imprisonment in Lancaster county prison for three years and six months. Pardoned January 18, 1881.

Reasons.—1. Dr. M. S. Herr, physician of Lancaster county prison, certifies: "John Diamond is suffering from *phthisis pulmonalis*, and, in my judgment, cannot live to the end of his sentence." Dr. Oliver Rowland certifies: "Imprisonment is rapidly advancing his disease, and it is my opinion that he will not live out his sentence."

2. The pardon is unanimously recommended by the board of inspectors, chaplain, prison keepers, under keepers, and all the officers of the Lancaster county prison.

F. C. VANDUSEN, Mercer. *Adultery.* August 11, 1880. Sentenced to pay a fine of $5, and undergo imprisonment in the Allegheny county work-house for nine months. Pardoned January 18, 1881.

Reasons.—Vandusen has now been confined in the work-house for five months; in the meantime his business has been sold out by sheriff's sale, and the pardon is asked by his wife, and recommended by the letters of the district attorney, S. H. Miller, Mrs. Mary J. Merrick, John Dumas, Dr. L. H. Woods, James Wood, Hon. George W. Wright, James Stranahan, Hon. J. C. Brown, Hon. William Maxwell, John I. Spearman, John

R. Packards, William Achre, John M. McClure, J. M. McDowell, G. W. Harris, and the petition of over two hundred citizens of Mercer county, on account of the prisoner's good character, and the destitute condition of his wife and family.

John S. Morton, Philadelphia. *Forgery.* December 17, 1878. Sentenced to pay a fine of one cent, and undergo imprisonment in the Eastern Penitentiary for the term of ten years from February 16, 1878. Pardoned January 19, 1881.

Reasons.—1. The prisoner was, at the time of the commission of the offense, under delusions which might have justified his acquittal, if shown upon his trial. (See depositions, &c.)

2. The precarious health and nervous prostration of the prisoner's wife and daughters. (See affidavit of Mrs. Newbold, Mrs. Morton, and letter of S. Henry Morris, Esq.)

3. The pardon is recommended by thousands of business men and citizens of Philadelphia. (See petitions.)

Charles Hance, Philadelphia. *Assault and battery, assault and battery aggravated, assault and battery with intent to kill.* May 16, 1879. Sentenced to pay a fine of $1, and undergo imprisonment in the Eastern Penitentiary for the term of three years. Pardoned January 19, 1881.

Reasons. — 1. The previous good character of the prisoner, and the fact that this, his first offense, was done while he was intoxicated.

2. He has served twenty months of his sentence.

3. His family which is of good repute, are in very straightened circumstances, and need his labor.

4. The pardon is recommended by the prosecutor, Joseph Christy, by William Warnock, Lieutenant First Police District, William R. Leeds, Hon. John Lamon, William J. Pollock, Esq., Senator A. W. Norris, and other prominent citizens.

Ira Lent, Bradford. *Perjury.* September 15, 1880. Sentenced to pay a fine of $100, and undergo imprisonment in the Eastern Penitentiary for a period of one year and eight months. Pardoned January 19, 1881.

Reason.—Ten of the jury who convicted him, (the other two have removed, and cannot be found,) ask the pardon on the ground that he was convicted by false testimony. The President Judge writes: * * * "The case was remarkable, especially in the mass of perjury committed on the trial. The jury found Ira Lent guilty, but from the light sentence imposed, it may be inferred that the court had some question as to the correctness of the verdict, and from the affidavits annexed to the application for a pardon, the question as to its correctness becomes much graver. Indeed, it is surrounded with so much doubt now, that I am constrained to believe it is a proper case for executive clemency—at least that it is a case requiring your serious and careful consideration."

William Lansdale, Chester. *Burglary.* May 1, 1878. Sentenced to

pay a fine of $500, and suffer imprisonment in the jail of Chester county for five years. Pardoned January 19, 1881.

Reasons.—1. The prisoner had been a good orderly citizen until driven to the commission of this, his first offense, by the destitution of his family.

2. The sentence of five years is out of all proportion to the circumstances surrounding the crime, (which was technically burglary, but unattended with any danger to life,) the amount taken, the previous character of the prisoner, and his motives. The Board are of the opinion that the two years eight and one half months are sufficient punishment under all the circumstances. The president judge writes: "For a single offense, if there was nothing in the man's former life rendering him especially dangerous, the sentence seems heavier—a good deal heavier—than I was in the habit of inflicting. In the inability to recall the circumstances of the case, as presented on the trial, Mr. Chalfant's statements, in which I confide unhesitatingly, induce me to feel that it may not be unjust (and that it would probably be safer) to relieve the man from a part of his term."

The district attorney writes: "In my judgment, the man has suffered ample punishment for the offense of which he was convicted, and I heartily make this recommendation for his pardon."

3. Confinement has seriously impaired the health of the prisoner, and his wife and children are destitute.

4. These facts are set forth by the letters of the judge and district attorney, the affidavits of William Chalfant, Washington Haggerty, (the keeper of the Chester county prison,) John J. Pinkerton, Esq., Edwin James, Esq., Edward Lansdale, and the letters and petitions of Hon. J. Smith Futhey, P. Fracer Smith, Esq., Smedley Darlington, Esq., Edward F. Harlan, Esq., Wellington Hickman, Lewis Marshall, Col. F. C. Hooten, and other prominent citizens of Chester county.

JOHN P. LINN, Washington county. *Selling liquor without license.* January 15, 1881. Sentenced to pay a fine of $500, and undergo imprisonment in the jail of Washington county for a period of three months. Pardoned March 15, 1881.

Reasons.—1. The prisoner is afflicted with an incurable disease, which confinement aggravates and renders dangerous to his life.

2. His term of imprisonment has nearly expired. The costs, amounting to $240, and $110 of the fine, all he has, have been paid.

3. The letters of the judge, sheriff, deputy sheriff, United States marshal, physician, and authorities of the county prison, and a large number of petitioners: The Honorables G. V. Lawrence, Norton Griffin, J. M. Boyce, J. R. Billingsley, and numerous other citizens set forth the above facts, and recommend the pardon.

CHARLES H. CHRISTMAN, Philadelphia. *Conspiracy.* April 15, 1880. Sentenced to pay a fine of $300, and undergo imprisonment in the Phila-

delphia county prison for the term of fifteen months. Pardoned March 16, 1881.

Reasons.—1. It being the first offense of the prisoner, who is respectably connected, and does not belong to the criminal class.

2. Upon the representations of the family physician, and other reputable sources, that the father of Mr. Christman, who is a man of nearly ninety years of age, is in ill health and liable to die at any moment; that the presence of the prisoner is required to arrange his affairs; that his family are in a destitute condition, and that if he is now released he can obtain employment, the Board recommend the remission of the remaining three months of the prisoner's sentence.

3. The pardon is recommended and the above facts certified by S. J. W. Mintzer, M. D., the family physician; C. M. Wilkins, M. D., John Mundell, Esq., Hon. John W. Forney, Christian Kneass, Esq., J. H. Heverin, Esq., A. V. Dane, Esq., Emerson Bennett, Jr., Esq., Hon. H. H. Bingham, Hon. John Cochran, Hon. John C. Grady, Hamilton Disston, Esq., David H. Lane, Esq., Thomas J. Powers, Esq., William H. Ruddiman, John E. Faunce, J. N. Kerns, R. E. Shapley, William R. Leeds, M. Hall Stanton, B. K. Jamison, Hon. F. Carroll Brewster, and others.

JOHN FLORY, Lycoming. *Keeping a disorderly and bawdy house.* October 13, 1879. Sentenced to pay a fine of $100 and undergo imprisonment in the Eastern Penitentiary for the term of two years. Pardoned March 16, 1881.

Reasons.—1. The sentence to the penitentiary was illegal, because the offense was one which the statute punishes with simple imprisonment.

2. The president judge, Hugh H. Cummin, writes: "I have no objection to the granting of this pardon, and I do not think objection will be made by anybody." The district attorney, William H. Hart, writes: "From facts which have, since the trial, come to my knowledge, I fear injustice may have been done."

3. The pardon is indorsed by one hundred prominent citizens of Lycoming county.

BRADY MCCULLOUGH, Westmoreland. *Murder in second degree.* March 22, 1880. Sentenced to pay a fine of six and one fourth cents and be imprisoned in the Western Penitentiary during the period of seven years. Pardoned March 16, 1881.

Reasons.—1. The deceased was a professional gambler, who, with other sharpers, decoyed young McCullough, when partially intoxicated, into a game of cards. Although considerably under the influence of liquor, the prisoner detected the evident intention to swindle him, and, upon a trifling pretext, broke up the game, which the deceased resented, and the others sided with him. After high and threatening words and actions, the party left, and McCullough, the prisoner, and Clark, the deceased, recommenced the controversy in the street. While wrangling or clinching, Charles King, an-

other professional, and one of the gang, came behind and struck McCullough a terrible blow, with a half brick, which felled him to the ground, with a serious cut and bruise on the side of his head. On staggering to his feet, bewildered from the effects of liquor and the blow, a single shot was fired by him, apparently and probably at random, and he left to have his wounds in the head dressed. The next morning Clark was found dead on a door-step, a few yards from where he was hit, shot through the heart. Under these facts, and on account of his youth and family, the Board are disposed to give him the full benefit of all the doubts or mitigating circumstances contained in the case.

2. The pardon is strongly recommended by the letters of Hon. Edgar Cowan, Hon. James C. Clarke, Hon. C. P. Markle, Gen. Richard Coulter, ex-Lieut. Gov. John Latta, D. S. Atkinson, Esq., John F. Wentling, Esq., Thomas J. Barclay, Esq., H. C. Marchand, Esq., J. J. Johnston, Esq., Hon. G. V. Lawrence, Hon. J. H. Logan, H. J. Bonnot, Esq., Hon. W. J. K. Kline, Hon. E. C. Lighty, John Armstrong, Esq., A. A. Stewart, Esq., John M. Laird, Esq., and by a petition signed by Hon. James H. Kuhns, Hon. John W. Turney, Wilson Baughman, Esq., Thomas Donahue, Esq., William Brown, Esq., J. Y. Woods, Esq., W. H. Hackey, Esq., James F. Woods, Esq., John Guffey, Esq., and nearly three hundred citizens of Greensburg and Westmoreland counties.

SAMUEL P. HUHN, Philadelphia. *Forgery.* December 17, 1878. Sentenced to pay a fine of one cent, and undergo imprisonment in the Eastern Penitentiary for the term of ten years, from February 16, 1878. Pardoned April 19, 1881.

Reasons.—1. The prisoner was the treasurer of the railway, and presumably was not more guilty, and, in the first instance, not as guilty as the president, who has been pardoned, for reasons contained in the Board's communication of January, 1881.

2. The same reasons exist in this case, viz: The previous high character of the prisoner, most excellent family relations, and the probability of restating himself in the community thereby, a suffering and destitute wife and children, and an imprisonment of over three years.

3. The pardon is recommended by thousands of citizens too numerous to cite individually, whose letters and petitions are on file."

J. A. PENNINGTON, Fayette. *Forgery.* September 28, 1880. Sentenced to pay a fine of six cents and undergo imprisonment in the county jail for the period of eight months. Pardoned April 19, 1881.

Reasons.—"1. His health is very much impaired, physically and mentally, (see certificate of commissioners and county officers, letters of district attorney and others,) and he has only one month to serve.

2. The circumstances of the case render it exceedingly doubtful if the crime was made out, which is sufficiently indicated by the light sentence."

MARTIN ARMSTRONG, Philadelphia. *Assault and battery with intent to*

kill. May 13, 1879. Sentenced to pay a fine of $3 and undergo imprisonment in the Eastern Penitentiary for the term of three years and six months. Pardoned April 19, 1881.

Reasons.—1. Up to the time of the offense he had borne an unexceptional character as a peaceable and law-abiding citizen, and the character of the provocation was sufficient to provoke most men to blows, and he has already suffered two years for a very natural ebullition of anger.

2. The testimony to his character as a worthy, orderly, hard-working man is exceedingly strong, and his old employers guarantee to restore him at once to his old position.

3. Hundreds of well-known citizens, clergymen, professional and business men certify to his character, and ask his release.

4. The jury unanimously recommend the pardon.

Charles E. Brinker, Northampton. *Forgery.* June 10, 1879. Sentenced to pay a fine of $25 and undergo imprisonment in the Northampton county prison for the period of three years. Pardoned April 19, 1881.

Reason.—The board of visitors appointed by the State board of charities report: "We have visited him frequently, and regard his physical condition as alarming. Should his imprisonment continue much longer, it is the opinion of the prison physician with ourselves that a permanent invalidism will be hopelessly entailed upon him, rendering him a burden to his already incompetent relatives." The district attorney writes: "In the interests of humanity, I consider the time has now arrived when he should be released, in order to prevent the permanent ruin of his health, and the possible loss of life." The warden of the prison, the chief burgess, and many citizens certify the same. The president judge writes: "I am fully acquainted with the circumstances attending his trial, his previous character, and his present condition. I am free to say that he is a proper subject for executive clemency, and hope that the same will be recommended."

Joseph Hursthouse, Bucks. *Larceny and receiving stolen goods.* December 8, 1880. Sentenced to pay a fine of $1, and undergo imprisonment in the Eastern Penitentiary for the term of one year and six months. Pardoned April 20, 1881.

Reason.—The prisoner is a lunatic, having been an inmate of the Harrisburg asylum, from which he was removed on July 16, 1880, to the Germantown alms-house, from whence he escaped, and wandered into Bucks county, where he was arrested and sentenced as above. He has a wife and family in England, of which country he is a native, able and willing to take care of him, and the Society of the Sons of St. George in Philadelphia for the Assistance of Englishmen in Distress, have agreed to send him to England. These facts are set forth in the certificates and depositions of Drs. Curwen and Paul, and the minutes of the said society on file.'

Thomas Stehle, Jr., Butler. 1. *Selling intoxicating drinks to minors; Keeping a disorderly house.* March 19, 1881. Sentenced to pay a fine

of $20, and undergo confinement at labor in the Allegheny county workhouse for the period of six months. Pardoned April 19, 1881.

Reasons.—1. The offense seems to have been committed largely through inadverture, and the law has been sufficiently vindicated by the conviction and sentence.

2. The mother of Stehle is in very feeble health and likely to die.

3. The pardon is recommended by Hon. Robert Storey, associate judge, Senator Greer, Alexander Mitchell, John M. Thompson, John N. Purviance, A. M. Cunningham, district attorney, J. D. McJunkin, A. M. Wyman, M. D., Thomas Robinson, Levi McQuiston, Kennedy Marshall, W. H. H. Riddle, Charles McCandless, E. M. Breden, and hundreds of citizens of the county who certify to the general good character of the prisoner."

PATRICK CLARK, Wayne. *Selling liquor without license.* September 15, 1880. Sentenced to pay a fine of $600 and undergo imprisonment in the county jail for the period of ten months. Pardoned April 19, 1881.

Reasons.—1. The judge writes: "I have learned that Clark has fully reformed and that we were under a misapprehension at time of passing sentence that he was attempting to elude arrest, which I learn was not the case. I therefore for the first time recommend the pardon of said Patrick Clark." The judge and district attorney indorse the petition and reasons: "We heartily approve the granting of the pardon asked for."

2. The physician certifies: 'I am satisfied from my examination that the further confinement of Patrick S. Clark will prevent efforts to combat the disease (consumption) and will develop it in its worst form.'

WILSON SHAFER, Lehigh. *Larceny.* January 8, 1881. Sentenced to pay a fine of $10, and be imprisoned in the Lehigh county jail for the period of nine months. Pardoned May 19, 1881.

Reasons.—1. The case was tried without the knowledge of Shafer's friends, who could readily have proven an alibi, which the affidavits of the time-keeper and half dozen of fellow workmen conclusively show; and from facts shown and admitted before the board, it appears that the prisoner was innocent of the crime charged.

The district attorney indorses the pardon, and his former employer will at once renew his job.

MICHAEL HURLEY, Northampton. *Burglary, rape, aggravated assault and battery.* January 18, 1865. Sentenced to pay a fine of $1,500, and undergo imprisonment in the Eastern Penitentiary for the period of twenty-six years and six months. Pardoned June 21, 1881.

Reasons.—The facts surrounding the case are briefly: Michael Hurley was discharged from the service of the United States on the 31st day of January, 1863, at the age of nineteen, upon a surgeon's certificate of disability. Of his character and service as a soldier your Excellency will be the best able to judge, as he was a member of your regiment, the Fifty-second Pennsylvania. At the time the offense was committed, December, 1864, he was, therefore, about twenty-one years of age.

After a three days' spree, he, in conjunction with another, entered the house where the offenses were committed. These were of the most aggravated character; the burglary was in the night; the assault was with a pistol, and the rape upon a woman just after confinement. When arraigned, Hurley plead guilty to the charge of burglary, but refused to plead guilty to the rape or aggravated assault, of which he alleged he knew nothing.

He was informed that if he would discover his partner, he would not be sentenced on these two indictments. This he refused to do, and was sentenced as above.

He has been in prison sixteen years and five months. Allowing for commutation for good conduct, he has only two years and two months to serve.

The Board are of opinion:

1. That the allegation of Hurley, that he did not take part in and knew nothing of the rape, was true; that while his youthful service had imbibed the lawlessness of war, and he was capable of breaking into a house and threatening and robbing its inmates in drunken bravado, he was above the greater depravity. That his refusal to reveal his partner, even at the price of release from sixteen years' imprisonment, through a mistaken sense of honor, went far to show that he was not beyond hope of reformation. In addition to this, his former employers testify to his former good character, and express the willingness to trust and employ him if released.

2. In view of his youth, that it was his first offense, of his previous good character, his uniform good conduct in prison, and the proofs of his reformation, the recommendations of many influential citizens, including the judge, the district attorney, the inspectors and officers of the prison, and the promise to him of employment in the West, and assistance by friends, his pardon would be a proper exercise of clemency.

3. Judge Maynard favors the pardon; the district attorney, W. W. Schuyler, recommends it; Hon. Richard Vaux and Col. Charles Thompson Jones, inspectors, and Edward Townsend, warden, and William White, M. D., resident physician of the Eastern Penitentiary, all unite strongly in Hurley's behalf. His character and conduct, while in their employ, is indorsed by I. Wood & Bros., of Conshohocken, and Christopher Lewis. The latter, who is superintendent of the Columbus rolling-mill, Ohio, writes: "I will cheerfully take him to my employment on his release," and Mr. George Bullock, of Conshohocken, will furnish him the means to reach Columbus and make a new start in life.

4. His petitions are signed by many citizens, and, heinous as the offenses in which he bore a part were, we believe that under these favorable circumstances, at the age of thirty-seven, he can retrieve the past and gain a respectable position in society.

John Ecking, *alias* John Homer, York. *Larceny.* June 21, 1880. Sentenced to pay a fine of $1, and undergo imprisonment in the Eastern Penitentiary for the period of three years. Pardoned June 21, 1881.

Reasons.—The accompanying papers and indorsements from the Adju-

tant General's office at Washington, forwarded by the inspectors of the Eastern Penitentiary show that the prisoner was an insane soldier, who escaped from the United States Government Asylum for the Insane, Washington, D. C. Wandering into York county, he was arrested and convicted for the larceny of a horse, saddle, &c., and sent to the penitentiary for three years. He was there found to be insane, and the above facts developed. On his release, the military authorities at Washington, and of the hospital, will recommit him to the institution for proper treatment.

EDMUND BURKEY, Allegheny. *Burglary.* September 12, 1876. Sentenced to pay a fine of six cents, and undergo imprisonment in the Western Penitentiary for a period of eight years. Pardoned June 21, 1881.

Reasons.—1. At the time Burkey was sentenced, as will be seen by the letter of Judge Ewing, he was supposed to be a confirmed and dangerous criminal. It now appears that this was the young man's first offense, and until he got into the company which led him into crime, he had been industrious and respectable. The judge concludes his letter, "with my present doubts as to the case, I would not have imposed over five years, imprisonment.

2. The prisoner has served already more than the commuted term of five years. And his father, a worthy farmer of Michigan, will remove him to his home in that State as soon as released.

JAMES I. BRADLEY, Cambria. *Larceny.* December 9, 1880. Sentenced to pay a fine of $50, and undergo imprisonment in the Western Penitentiary for the term of one year and six months. Pardoned June 21, 1881.

Reasons.—Ex-District Attorney W. Horace Rose writes: "From what I have learned of Bradley since that time, (the trial,) I am satisfied he should be pardoned. His intellect was and is certainly clouded, and I now have very grave doubts whether he was capable of committing the crime, by reason of his want of mental power. I therefore cordially join in the application for his pardon."

President Judge John Dean "concurs fully in the above statements and recommendation for pardon of James I. Bradley."

And the district attorney, William H. Sechler, writes: "I was present at the trial, and from what I learned then, and from my knowledge of the defendant, I join in the request for his pardon."

FRANK HOMER, Beaver. *Larceny.* December 6, 1880. Sentenced to pay the costs and undergo imprisonment in the Allegheny county work-house for the period of sixteen months. Pardoned October 25, 1881.

Reasons.—1. It was his first offense; he was lead into it by an older criminal, and has made restitution; he is a young man of good family, intelligent and penitent, and has been orderly and industrious in confinement. (See letter of superintendent of work-house.)

2. The president judge, Hon. Henry Rice, writes: 'If the allegations of former good character, and penitence and reformation, are borne out by

the evidence of those who can properly inform you on these points, I would unite in saying that it might be for the best interests of the young man, and would be proper to grant a pardon.' The district attorney, John M. Buchanan, Esq., also writes: 'From what I heard and saw, (on the trial,) I was convinced that Mr. Homer was the dupe of Frank Fife, who was, for the same offense, sent to the penitentiary, and I, at that time, asked the court for a mild sentence. For the same reason, I now join in the request for the pardon of Frank Homer.'

3. The pardon is recommended by the prosecutor; by John S. Robb, district attorney for Allegheny county; by Hons. Edward H. Stone, F. H. Collier, and Hugh McNeill; and by Hons. Robert W. Lyon, mayor, and Robert Liddell, ex-mayor, of Pittsburgh; and by C. S. Fetterman, Josiah Cohen, H. H. McCormick, Ormsby Phillips, A. M. Brown, J. S. Rutan, and Robert M. Gibson, Esqs.

John Rehrig, Lehigh. *Common gambler.* June 9, 1881. Sentenced to pay a fine of $100 and undergo imprisonment in the Lehigh county jail for the period of six months. Pardoned October 25, 1881.

Reasons.—1. The prosecution seems to have been the work of personal spite and jealousy, on the part of another saloon-keeper, to drive him out of town, and not to have been supported by any public feeling that the practices of Rehrig required suppression, or upon any allegations that his saloon was a public nuisance or disorderly. (See depositions of Henry L. Smith and Henry A. Heckman.)

2. It was one of the counter prosecutions brought by two gamblers against each other, in which the money and political influence of one apparently secured the finding of true bills against his adversary, and the ignoring of those against himself. (See letter of Henry A. Heckman, and depositions of D. S. Luding, E. J. Stiltz, and others.)

3. The conviction for the offense, and the fact that all the costs of trial and of the ignored bills were placed on the prosecutor, and an imprisonment of four months and a half out of a sentence of six, the ends of justice have been sufficiently subserved.

4. The sufferings of his family.

5. The pardon is recommended by one of the prosecutors, the burgess, and chief of police of Catasauqua, a number of justices of the peace and attorneys, and a large number of merchants, business men, and reputable citizens of the community."

John Reams, Beaver. *Larceny.* December 7, 1880. Sentenced to pay the costs, and undergo imprisonment in the Allegheny county work-house for the period of fifteen months. Pardoned October 25, 1881.

Reasons.—1. It was his first offense. He was led into it by an older criminal, and has made restitution. He is a young man, of good family, intelligent and penitent, and has been orderly and industrious in confinement. (See letter of superintendent of work-house.)

2. The president judge, Hon. Henry Rice, and the district attorney,

John M. Buchanan, Esq., by letters on file, express their concurrence in executive clemency, if the foregoing facts are established to the satisfaction of the board.

3. The pardon is recommended by the prosecutor, and the foregoing facts, certified to by the chief of police of Allegheny, the superintendent of the Allegheny county work-house, and the sheriff of Beaver county, and by Hon. John C. Newmyer, and John J. Wickham, S. B. Wilson, Mark Wisener, J. K. Morehead, Joseph H. Gray, C. S. Fetterman, and Thomas M. Marshall, Esqs., and many other reputable citizens of Beaver and Allegheny counties.

MORRIS SPRINGFIELD, Philadelphia. *Murder in the second degree.* February 3, 1877. Sentenced to pay the costs and undergo imprisonment in the Eastern Penitentiary for the term of five years and nine months. Pardoned October 25, 1881.

Reasons.—1. Judge Allison writes: "I approve of the pardon of Morris Springfield, convicted some years since before me of murder in the second degree. The prisoner took the life of his sister, who had fallen from virtue and was leading a life of the greatest degradation, living and cohabiting with negroes and whites of the lowest class. Springfield, after repeated efforts to rescue his sister, and whilst smarting under a sense of shame, committed the act which put him on trial for his life. The jury, out of compassion for the prisoner, who had lived the life of an honest and worthy man, convicted him of the offense for which he is now suffering the punishment of the law. Under all the circumstances, I believe that the prisoner might now be safely and with justice pardoned."

2. Ten of the jurors and a large number of citizens of Philadelphia recommend the pardon on the same grounds.

3. He has been in confinement since February 3, 1877, and has less than four months of the original sentence to serve.

4. Mr. Thad. Morris, junior, proprietor, and Mr. Richard Morris, manager of the Harrison Boiler Works, in Philadelphia, where the prisoner had been employed from boyhood and served an apprenticeship, will at once give him employment. (See letters on file.)

CHARLES HURST, Westmoreland. *Attempt to procure abortion.* May 17, 1881. Sentenced to pay a fine of six cents, and be imprisoned in the Western Penitentiary during the period of two years. Pardoned October 25, 1881.

Reasons.—1. The recommendation is based solely upon the grounds of mercy to both the criminal and his mother.

2. He is a young man, delicate, well reared, and always bore a high character until the temptation through which he sinned. She is a widow well advanced in years, and under the disgrace and deprivation is failing in body and mind, and it is feared will become insane.

3. These facts, and the high character of the family and its connections

for culture and respectability, are attested, and the pardon prayed for by Hon. Ex-Lieutenant Governor John Latta, and eighty prominent citizens of Greensburg; Hon. A. J. Coffroth, Edward Scull, and over one hundred prominent citizens of Somerset; Hon. W. S. Stenger, J. M. D. Sharpe, Thad. M. Mahon, H. Gehr, Jere. Cook, and T. M. Kinnimel, Esqs., of Chambersburg.

WILLIAM WINDOWMAKER, Cumberland. *Burglary, larceny, &c.* September 2, 1876. Sentenced to pay a fine of $1, and suffer punishment in the Eastern Penitentiary for the period of nine years. Pardoned October 25, 1881.

Reason. From the evidence before us, we are of opinion that William Windowmaker was not present and is innocent.

JOSHUA MULLEY, Delaware. *Burglary.* December 4, 1876. Sentenced to pay a fine of $1,000, and suffer punishment in the Eastern Penitentiary for the period of ten years from September 20, 1876. Pardoned October 25, 1881.

Reasons.—1. Mulley was never convicted of any crime before, and his family are respectable people living in Baltimore. His father and mother are old, infirm, and destitute, and he is their only support. (See letters and petitions of citizens of Baltimore.)

2. The affidavits of detectives William H. Taggart, George D. Collanon, Henry Weyl, William D. Franks, and Isabella Grant, in connection with the letter and recommendation of Judge Clayton, the and unsatisfactory character of the evidence raise a very strong presumption of his innocence. The judge writes: "I have carefully reconsidered this case, and am in some doubt as to their guilt * * * * I am inclined to think there may have been a mistake in the identity of Mulley."

3. He has been in prison five years, has been well-behaved, and his friends in Baltimore are ready to assist him to begin again his career.

JOHN BURNS, Northampton. *Aggravated assault and battery.* April 14, 1880. Sentenced to pay a fine of $25, and undergo imprisonment in the Northampton county prison for the period of three years and six months. Pardoned October 25, 1881.

Reasons.—1. The letters and depositions on file show the prisoner was a quiet, industrious, and respectable man. That his wife, on whom the assault was made, was a violent and quarrelsome woman, whose infidelities and bad conduct were notorious in the neighborhood, and that the offense was committed in a moment of anger and while in a state of intoxication.

2. The three small children of the prisoner left to the care of a dissolute mother, are neglected physically, mentally, and morally.

3. The pardon is recommended by letters from Messrs. Kirkpatrick, Davies, Mutcheler, Wilson, and others, and by a petition of over one hundred reputable citizens of the vicinity.

4. He has already served twenty months of his sentence.

R. E. REED, Lawrence. *Larceny.* June sessions, 1878. Sentenced to pay a fine of $15 and undergo imprisonment in the Western Penitentiary for the term of five years. Pardoned October 25, 1881.

Reasons.—The pardon is asked for by the president judge, Hon. E. M. Junkin, the associate judges, Hons. James P. Aiken and A. T. McCready, the district attorney, John G. McConohey, Esq , the prosecutor, Robert Buxton, and ten of the jurors on the ground that he is suffering severely from wounds received while a member of company B, 100th Pennsylvania volunteers, in the late war, which are greatly aggravated by confinement; that he is weak minded, and has already been punished sufficiently to attain the ends of his conviction, having only ten months to serve out of a sentence of five years.

WENZLE WESLE, Allegheny. *Larceny.* March 14, 1876. Sentenced to pay a fine of twelve and a half cents and undergo imprisonment in the Western Penitentiary during a period of eight years. Pardoned October 25, 1881.

Reasons.—1. The grounds are set forth in the following letter of his honor, Judge John M. Kirkpatrick: "The officers and inspectors of the penitentiary all seem to take a deep interest in the case, notably the preacher, Rev. Travelli and Mr. Inspector Phillips, both of whom have spoken to me in relation to the matter. I believe the ends of justice have been already fully satisfied by the incarceration now over five years—almost, I believe, five and one half years. His conduct has been, I am advised, most exemplary there, being, as I understand, not a single word against him in all this time. He insists upon it that he was crazy drunk at the time he committed the offense, and knew nothing of it until he was told what he had done. The evidence at the trial clearly warranted his conviction and sentence as imposed, but he has been, I am convinced, taught a lesson by his long imprisonment that, I feel satisfied, he will not soon forget, and hereafter be a good citizen and sober man.

His wife and three little children, and, as I learn, an aged father and mother, largely dependent on him for support, are all strong pleas in his behalf, backed, as they are, by his good conduct, long imprisonment, &c., of which in this and my previous letter I have already made mention.

Unaccustomed as I am, as you know, to indorse applications of this kind, I have no hesitation to indorse this one, under the peculiar circumstances of the case, and assume my full share of the responsibility incident to official interference on your part in the premises."

2. He has already served five years and seven months, and has only eleven months to serve. He has been promoted to be chief cook of the prison, a place of responsibility and trust, on account of his conduct and ability.

WOLF M. JACOBS and SAMUEL BOBLOFFSKY *alias* N. S. GOLDMAN, Crawford. *Arson.* April sessions, 1878. Sentenced each to pay a fine of $2,000,

and undergo imprisonment in the Western Penitentiary for the term of ten years. Pardoned October 25, 1881.

Reasons.—1. The prisoners were tried in a time of great public excitement, and convicted upon circumstantial evidence solely. They are Jews, and the popular prejudice against that race, and predisposition to convict for the particular crime at that time, were so strong and apparent that all who witnessed the trial were greatly impressed with the difficulty of securing an impartial verdict. The letters of the judge, district attorney, members of the bar, and a large number of prominent and responsible citizens herewith presented, set forth these facts vividly and emphatically.

2. They have been in prison three years and a half, and the chaplain of the penitentiary, Rev. J. L. Milligan, testifies to their uniform good conduct, and expresses the opinion that no harm would result to society from their release.

3. The wife of one of the prisoners has been utterly prostrated, physically and mentally, by the conviction of her husband, and the doctors are hopeless of her recovery until her mind is relieved.

4. Judge Church writes: "I do not like to be placed in the position of absolutely recommending this pardon, * * * * yet when all is said I think it very likely, under all the above circumstances, and many more that might be and will, no doubt, be presented to you by their counsel, that these men have been punished enough. If I were a member of the Board of Pardons, and not the judge who tried and sentenced them, (and that position you gentlemen hold,) I would recommend that the governor extend his clemency to them."

District Attorney Beatty also emphasizes the facts of popular prejudice and feeling, and closes: 'Should you, in the investigation of their case, find that which would incline you to the side of mercy the result would receive from me a hearty indorsement.'

5. Nine of the jurors, and many of the heaviest sufferers by the crime recommend the pardon, Hon. H. L. Richmond & Sons, G. W. Hulman, C. K. Marsh, William B. Bole, Esqs., Hon. D. M. Farrelly, R. C. Frey, Joshua Douglass, B. B. Pickett, Esqs., Hon. G. W. Delamater, John J. Henderson, G. W. Delamater, Roe Rissinger, J. W. Smith, Esqs., Col. C. W. Tyler, H. J. Humes, Norton L. Gleason, W. M. Dame, Esqs., Hon. Myrom Park Davis, District Attorney John B. Compton, C. M. Boush, and William Rose, Esqs., members of the Crawford county bar; Hon. Paul Blackmer and John Jude, C. A. Blakeslee, J. T. Ward, W. W. Sterling, M. M. Major, Wyman Post, Esqs., of Sharpsburg; Hons. David Emery, Frederick Bates, H. S. Bates, F. W. Arms, H. C. Bloss, John Fertig, A. Keen, J. H. Coggswell, W. B. Sterrett, W. B. Roberts and C. W. Plummer, and a number of other prominent citizens of Titusville; Hon. Isaac B. Brown, M. Pardee, H. F. Sweetser, R. H. Murdock, J. B. Curry, T. A. Allen, A. Truesdell, F. H. Button and Adam Davis, Esqs., and others, of Corry, testify to the above facts and recommend the pardon.

IRA T. CONRAD, Huntingdon. *Rape.* August 22, 1879. Sentenced to pay a fine of $500 and undergo imprisonment in the Western Penitentiary for the term of eight years. Pardoned November 22, 1881.

Reasons.—1. President Judge Dean and Associate Judges Hester and Miller ask for pardon for the following reasons: (1.) 'That all the jurors who sat in the trial of the case have signed a petition for his pardon.' (2.) 'That we understand that since the trial evidence has been discovered, which, if known at the trial, might have caused a different verdict.' (3.) 'That the parents of said Ira T. Conrad are old and respectable people, and he has a wife and young child who were dependent upon him for support.' (4.) 'That the punishment he has already undergone we believe will subserve the ends of justice.'

2. The district attorney, George B. Orlady, Esq., also expresses the same opinion, and recommends a pardon.

3. The chaplain and warden of the penitentiary, Hons. H. G. Fisher and R. M. Speer, by letter, and all the jurors, as stated above, and one hundred and thirty-eight prominent citizens, by petition, certify to the facts, and ask the pardon.

WILLIAM SCOTT, Lackawanna county. Manslaughter. September 13, 1879. Sentenced to pay a fine of $1,000, and undergo imprisonment in the Eastern Penitentiary for the term of ten years. Pardoned November 22, 1881.

Reasons.—1. This man should either have been convicted of murder in the first degree, or, if the jury had a reasonable doubt, they should have acquitted him. The act was either premeditated and malicious, or it was in self-defense. The Board are of opinion that the action of the jury shows that they had a doubt, which, from an examination of the testimony, (a full and complete copy of which is on file with the application,) may fairly be regarded as a reasonable doubt, and the evidence on file will fully bear out a plea of self-defense.

2. The pardon is recommended by the foreman and eight members of the jury that tried the case; by the Hons. G. M. Harding, ex-president judge, and W. J. Lewis and P. M. Moffit, associate judges; Hons. J. A. Scranton, John E. Barrett, G. B. Seamans, Lewis Pugh, A. J. Ackley, and T. V. Powderly; Cols. William N. Morris and U. C. Schoonmaker, G. W. Palmer, J. D. Hoyt, C. E. Lathrop, E. P. Kingsbury, J. J. Jermyn, E. N. Willard, A. A. Chase, Esqs.; Revs. N. J. McManus and John Loughran, pastors at Archbald, who testify to the good character of the prisoner, and one hundred prominent citizens of Scranton, Wilkes-Barre, Carbondale, Archbald, and vicinity.

EDWARD GRINDER, Allegheny. *Rape.* April 7, 1877. Sentenced to pay a fine of six cents and undergo imprisonment in the Western Penitentiary for a period of ten years. Pardoned November 22, 1881.

Reasons.—1. The depositions of eight persons on file prove that the character of the prosecutrix was bad, that no rape was committed, and that the

prosecution was made for spite and blackmailing. Judge White writes: "But I have since been informed that the girl has virtually admitted that no *rape* was committed. * * * * I have also been informed that her character is such as to throw great doubts upon her testimony. * * * * I regard it as a case very proper for consideration; * * * * and if you are satisfied from the evidence adduced before you of the truth of the statements above referred to, it is a proper case for pardon." District Attorney Montooth writes: "Developments subsequent to his trial and conviction have served to impress his application with merits, which, to my mind, would fully justify the response of a recommendation."

2. He has now been in confinement four and two thirds years, and has uniformly been orderly and industrious.

3. His pardon is recommended by numerous letters from prominent citizens, comprising lawyers, manufacturers, merchants, and men of various classes, showing a general desire on the part of the community to have this pardon granted.

JOHN ECHTERMACHT, Lancaster. *Burglary.* August 23, 1875. Sentenced to pay a fine of $100, and undergo imprisonment in the Lancaster county prison for the period of five years. Pardoned December 20, 1881.

Reasons.—The pardon is recommended by the district attorney, J. W. Johnson, Esq., by the Hons. A. Herr Smith, A. H. Mylin, Thomas E. Franklin, John B. Warfel, John H. Landis, H. C. Demuth, Thomas B. Cochran, Esq., by the prison physician, Dr. John L. Herr, and by Dr. William Compton, by the president, board of inspectors, and warden of the Lancaster county prison, by eight of the jurors, by nearly all the county officers and members of the bar, and hundreds of prominent citizens, on the grounds that Echternacht was always before this charge, of good repute. That his relationship is large and most respectable, and likely to influence his future career for good. That the stolen property has been entirely restored, and that as he is in bad health, and likely to receive permanent injury from longer imprisonment, the three years and some months' imprisonment suffered, have filled the measure and object of his conviction.

SAMUEL ALLEN, Cumberland. *Horse stealing.* August 29, 1879. Sentenced to pay a fine of $100, and suffer punishment in the Eastern Penitentiary for the period of five years. Pardoned December 20, 1881.

Reasons.—The prisoner is, and was of unsound mind. Judge Henderson writes: "October 31, 1881—from what I have learned of Samuel Allen, since his trial, and conviction and sentence, I am convinced that he is of unsound mind. I therefore recommend his pardon." District attorney G. S. Emig, recommends his pardon, because "Samuel Allen is a harmless simpleton." Richard Vaux, Esq., president of the board of inspectors of the penitentiary, writes: "He (Allen) was, on his admission into the institution, considered so weak-minded as to be unfit for trade teaching. He remains in the same condition, better if anything. He is called on the lists of the class, as a feeble minded, a simpleton. A penitentiary never was the

place for him, nor for a growing number of prisoners of his class." A number of affidavits are also on file to the same effect.

EDWARD SMITH, Philadelphia. *Robbery.* December 4, 1869. Sentenced to pay a fine of one cent, and undergo imprisonment in the Eastern Penitentiary for the term of sixteen years, eleven months, and ten days. Pardoned December 20, 1881.

Reasons.—H. W. Pitkin, one of the visitors of the penitentiary, writes: "That during the twelve years of his imprisonment, he has been under his eye and care, and from a brutal, ignorant man, has become an intelligent, industrious, and reliable one." The warden also bears the same testimony. Judge Pierce writes: "Edward Smith was sentenced by me, and has endured a long term of imprisonment. I have had several good reports of his conduct while in prison, and from information and belief which I have relative to his improved mental and moral character, I cheerfully recommend him to favorable consideration for a pardon." District Attorney C. Gibbons also writes: "With the above, upon the representation of the warden, a petition numerously signed by gentlemen of high standing and intelligence testify to the same facts, and recommend his pardon."

WILLIAM CANNON, Philadelphia. *Corruptly influencing an elector.* July 1, 1881. Sentenced to pay a fine of $100, and undergo imprisonment in the Philadelphia county prison for the term of six months. Pardoned December 20, 1881.

Reasons.—Judge Amos Briggs writes: "Cannon's counsel has just informed me that Mrs. Cannon died last evening. In view of her death, and the fact that the sentence will expire in about three weeks in any event, I earnestly recommend the prisoner's pardon, and hope that the pardon may be granted in time for him to attend his wife's funeral. I am also informed that the prisoner has a family of small children, who needparental care. With the mother dead, and the father in prison, the interest and welfare of these children should, I think, be considered, and I feel sure, that no one can be found, in view of the premises, to say that the prisoner's pardon would be a shock to justice. I have no power whatever to procure his release, or, I assure you, I would, under circumstances, do so. The presentment now made is entirely different from that before you but a short time since, and, in my judgment, justifies both you and me in recommending the pardon, notwithstanding its late refusal was just and proper. I have written this purely from a sense of duty, and invoke for it your serious consideration. District Attorney George S. Graham writes: "I have just learned of the death of William Cannon's wife. His term of imprisonment is very nearly served out, and I feel sure that, under the circumstances, his deep affliction is sufficient warrant for his immediate pardon. I trust that he may be pardoned before his wife's funeral." Thomas W. Barlow, Esq., representing the Committee of One Hundred, writes to Hon. George Handy Smith: "Upon the trial of William Cannon for corruptly influencing an

elector, Mr. Richard P. White and myself represented the Committee of One Hundred, aiding, as far as we were able, to convict him and all other election offenders against whom true bills of indictments were found. The committee having recently heard of the very distressed condition of Mr. Cannon's children, and the death of his wife, have instructed me to aid those who were endeavoring to procure Mr. Cannon's pardon, and you may say to the Board of Pardons, if you desire, that an extension of clemency in this matter would, in our opinion, be highly proper." The jury also unanimously recommend the pardon.

Leslie Stewart, Montgomery. *Burglary.* Sentenced October 6, 1880, to pay a fine of one dollar and imprisonment at labor, in the Montgomery county prison for two years and six months. Pardoned January 18, 1882.

Reasons.—1. The district attorney, J. Wright Apple, Esq., recommends the pardon upon the grounds of presumptive innocence. The prisoner having, when very drunk, late at night entered the premises of the prosecutrix, who had occasionally sold liquor. Nothing was stolen. (See letters of district attorney and depositions of a number of witnesses.)

2. The President Judge, Henry P. Ross, recommends the pardon upon the opinion of the physician to the Montgomery county prison, Dr. H. H. Drake, that the prisoner is threatened with blindness, which seems to be hereditary in the family, and that his sight can be prolonged by his release. (See letters.)

3. The president and board of prison inspectors, the warden, and a large number of citizens recommended the pardon on the above grounds, and on account of its being the first offense, the previous good character of the prisoner, and the indigence of his wife and children.

4. He has already been sufficiently punished.

Jane Dixon, Indiana. *Receiving stolen goods.* Sentenced June 15, 1881, to pay a fine of six cents and imprisonment in the Allegheny county work-house for the period of one year. Pardoned January 18, 1882.

Reasons.—1. The affidavit of James Meyers (herewith presented) states that the goods were placed in the house of Jane Dixon without her knowledge or consent.

2. The pardon is recommended by Judge Blair, District Attorney Watson, eight of the jurors, and a large number of responsible citizens.

Mathias McLaughlin, Beaver. *Arson.* Sentenced August 4, 1879, to pay a fine of $5 and imprisonment, by solitary confinement, at labor, in the Western Penitentiary for the term of five years. Pardoned January 18, 1882.

Reasons.—1. That the testimony was weak, the fire perhaps accidental, and the ends of justice have been attained by the imprisonment already suffered.

2. All the jurors and a large number of citizens pray for his pardon.

Franklin Goughnour, Cambria. *Burglary.* Sentenced December 10,

1877, to pay a fine of $500 and imprisonment, by solitary confinement, at labor, in the Western Penitentiary for the term of ten years. Pardoned January 18, 1882.

Reasons. Goughnour has been in prison four years and two months, and his pardon is recommended and asked for by President Judge Dean, the associate justices, the former and present district attorneys, all the county officers, the prosecutors, Hon. J. M. Campbell, and a number of prominent and responsible citizens, on the grounds of his youth and inexperience at the time of the trial, his previous good character, and that the punishment already suffered has subserved the ends of justice; and that the care and support of his friends and relatives, who are honest and respectable people, will enable him to retrieve himself and lead a life of usefulness.

WILLIAM MUTHART, Montgomery. *Larceny.* Sentenced November 16, 1870, to pay a fine of $5 and imprisonment in the Montgomery county prison, at solitary confinement, at labor, for twenty years. Pardoned March 21, 1882.

Reasons.—The prisoner was convicted as a professional horse-thief, and has served eleven years and four months out of a twenty years' sentence, having, with the commutation allowed, three years and three months to serve. Lately his health in confinement has failed rapidly, and on this account, and his good conduct and promises, his pardon is asked for by Messrs. George Schall and Joseph C. Boyer, the present and former wardens of the county prison, John Slingluff, president of the board of inspectors, and all the members of the board, Dr. C. M. Houpt, prison physician, Hiram Corson, M. D., and Mr. J. O. Kingsley, visitors to county prison, a large number of citizens, including Jacob V. Gotwalts, J. Wright Apple, and H. W. Brumer, Esqs., ex-district attorneys, and Hon. Henry P. Ross, president judge of the district, by whom he was sentenced.

WILLIAM HAWKINS, Venango. *Larceny.* Sentenced September 5, 1879, to pay a fine of $1, and imprisonment, by solitary confinement, at labor, in the Western Penitentiary, for three years. Pardoned March 21, 1882.

Reasons.—1. The horse (for the taking of which the larceny was laid) was taken by a man in whose company Hawkins had been just before and just after the act, though apparently not at the time of actual taking, and was driven in company a few miles, and then turned loose. There does not appear to have been any criminal intent on Hawkins' part. (See depositions of justice, constable, and various citizens.)

2. Hawkins is a young man of nineteen or twenty, and has a foster father, who has become old and infirm, and is largely dependent on his labor.

3. Judge Charles E. Taylor writes: "In the matter of the application of William Hawkins for a pardon, I would respectfully recommend the same. From matters which have come to my knowledge since the trial, I am satisfied he was led into the commission of the offense by others."

4. All his neighbors, and the citizens generally, including the county commissioners and all the county officers, recommend his pardon.

5. He has served two years and seven months, and has (with the commutation allowed by law) only one month to serve.

Hiram Bossard, Luzerne. *Perjury.* Sentenced February 4, 1882, to pay a fine of $25, and imprisonment, by solitary confinement, at labor, in the Luzerne county prison, for the term of one year and three months. Pardoned March 21, 1882.

Reasons.—1. The facts of the case are briefly: Hiram Bossard, as witness for the defense in a case of fornification and bastardy, having been advised by counsel for the defence that he must obey the subpoena and testify, and without being warned by the court that he need not criminate himself, (although all subsequent witnesses to the same point were so warned and refused to testify. See letter of Mr. Farnham,) because confused and excited and, under a severe cross-examination, fixed the time of criminal conversation with the prosecutrix at such a date that his conviction for perjury was a certainty. Having been misled by counsel, and not instructed by the court, reluctant as he was to testify, and, therefore, evidently without any intention of perjury, making a mistake such as a willful perjurer could never have made. We think there is such a strong reasonable doubt of Bossard's guilt as justifies our recommendation to executive clemency.

2. The pardon is recommended by Hon. Garrick M. Harding, the counsel for the prosecutrix; Alexander Farnham, counsel for the defense in the fornification and bastardy case; J. V. Darling, E. P. Darling, Isaac P. Hand, Thomas H. Atherton, A. H. Dickson, G. R. Bedford, William McLean, Esqs., and twenty-seven attorneys of the Luzerne bar, and by Messrs. G. H. Parish, Charles Parish, James L. McLean, E. C. Wadham, Benjamin Reynolds, J. K. Bogert, the warden of the county prison, a number of the county officers, and one hundred and fifty citizens, many of whom were present at the trial, and write personal letters urging their belief in the facts as above set forth.

Timothy McGowan, Wayne. *Rape.* Sentenced May 12, 1877, to pay a fine of $500, and imprisonment in the Eastern Penitentiary for fifteen years. Pardoned March 21, 1882.

Reasons.—1. The letter of the district attorney, P. P. Smith, Esq., reviewing the case, and setting forth the subsequent acknowledgment of the prosecutrix to him "that she should not have prosecuted McGowan at all, but for the fear of becoming pregnant, and thereby arousing her husband's suspicions."

2. The mental condition of the prisoner at the time of offense and since. Hon. Richard Vaux, president of board of inspectors of the Eastern Penitentiary, writes: "On admission he (McGowan) was of unsound mind. * * * His mental condition is about the same as on reception."

3. The affidavits of the mayor of Carbondale and citizens of vicinage,

showing the standing and respectability of the family, and especially of the brother, who has the means and desire to properly care for his insane brother.

MARY FRENCH, Philadelphia. *Larceny.* Sentenced November 18, 1881, to pay a fine of one cent, and imprisonment by solitary confinement at labor in the Philadelphia county prison for the term of eighteen months. Pardoned March 21, 1882.

Reasons.—1. The said Mary French was at the time of commission of said offense of such mental unsoundness as would have justified her acquittal if it had been shown upon trial by way of defense. (The reason further shows that the petitioner lived in Gloucester, New Jersey, and having wandered away into Philadelphia, her friends and relatives were unaware of her trouble.)

2. Her general health is so exceedingly poor that unless released at once her reason will either be wholly and hopelessly overthrown, or death will come to her relief.

3. She is seventy-one years of age.

4. With the exception of this one failing she has all her life been a person of exemplary character, sincere in her actions, a devout church member, kind to the poor and needy, and known far and wide for her great goodness of heart and deeds of charity, all of which are proven by depositions of Dr. Thomas H. Fenton, Rev. H. G. Batterson, Anna J. Corson, and Elizabeth W. Hanna, taken in accordance with the rules of the board, and letters of Rufus E. Shapley, Esq., of Philadelphia, George William Bindle, Henry B. Wilson, Esq., and others, of Camden, New Jersey. Mr. John Wanamaker, the prosecutor, joins also in the application.

JANE WILSON, Philadelphia. *Larceny.* Sentenced September 29, 1881, to pay a fine of $1 and imprisonment by solitary confinement at labor in the Philadelphia county prison for the term of one year. Pardoned March 21, 1882.

Reasons.—1. The applicant is a respectable old lady of sixty-five years of age and feeble-minded. These facts are shown by depositions accompanying the application.

2. She has a small, fixed income, and her relatives and friends are desirous of placing her in a private home for old women, or similar institution where she can be cared for.

3. Judge Fell writes: "Jane Wilson was tried before me in September last, and since that time I have learned that she is not of sane mind, and from a personal knowledge of the facts of the case, I am of opinion that a pardon should be granted. She was tried in the absence of her friends and relatives, and without their knowledge, and I had no means of knowing anything of her antecedents or the condition of her mind."

CHARLES K. TAYLOR, Schuylkill. *False pretense.* Sentenced, June 20,

1881, to pay a fine of $100, and undergo an imprisonment in the Schuylkill county prison, for two years. Pardoned April 18, 1882.

Reasons.—1. Judge Pershing's letter gives the whole case: "I do not concur in the view that the offense of which Taylor was convicted was more technical than criminal. I am satisfied, however, that Taylor was used as a good-natured tool by others, in the commission of the crime for which he was convicted, and that, personally, he reaped very little pecuniary profit from it. His more guilty employer has fled the jurisdiction of the court, and inasmuch as a large number of the members of the bar of this county have joined in a petition for the pardon of Mr. Taylor, late their fellow-member, I will not interpose any obstacles."

2. Messrs. Bechtel, Koch, McCool, Reilly, Little, Hemming, Kaercher, Dewees, Roseberry, Farquhar, and fifty other members of the bar of Schuylkill county, nearly all the county officers, and some six hundred citizens of the county, testify to the previous good repute of Mr. Taylor, and desire his release.

GEORGE SEIFERT, Allegheny. *Voluntary manslaughter.* Sentenced, April 7, 1877, to pay a fine of six cents, and imprisonment in the Western penitentiary for ten years. Pardoned April 18, 1882.

Reasons.—The deceased (brother of the prisoner) was a large, powerful, and vicious man, who, at the time of the occurrence, was infuriated by drink, and had attacked the prisoner, and was pursuing him. (See letter of widow and Mr. Gibson.) It is altogether probable that the shot, while not intended to be fatal, was justified in self-defense. (See letter of district attorney.)

2. The prisoner has been in confinement five years, and during that period his conduct has been such as to secure the commendation of the prison authorities. (See letters of president of the board, warden, chaplain, and certificate as to his condition.)

3. His father has died and left his mother with a large family of small children dependent on him for support.

4. Judge White, after setting forth the above reasons, writes: "The sentence of the law has fully accomplished its purpose, and now makes his case, in my judgment, a proper one for executive clemency. I therefore recommend his pardon." The district attorney, Major Montooth, states that, in his opinion, it was a case of self-defense.

5. The pardon, in addition to above, is recommended by General Harry White, Hon. John Latta, Thomas M. Marshall, Esq., James P. Barr, Esq., John A. McQuaide, assistant district attorney, Rev. A. H. Calvert, Hon. John C. Newmyer, H. A. Collier, H. H. McCormick, the widow of the deceased, and many hundred citizens.

ISAAC SELDOMRIDGE, Lancaster. *Forgery, (two indictments.)* Sentenced November 22, 1879. To pay a fine of $200 and imprisonment by solitary

confinement in the Lancaster county prison for four years and six months. Pardoned April 18, 1882.

Reason.—The prisoner is now an old man, aged fifty-one years and upwards, and since his imprisonment has been in delicate health, losing one eye, is becoming blind in the other, and if compelled to serve his full term will leave the prison a totally blind man. He was a man of excellent repute previous to his offense, and his behavior in prison has commanded the sympathy and recommendation of all the prison and county officials. (See letters of warden and chaplain, remarks of judge and district attorney accepting notices, affidavit of prison physician, and petition of prison inspectors, and many hundreds of respectable citizens of Lancaster county.)

ARTHUR CAMPBELL, Philadelphia. *Robbery.* Sentenced September 15, 1880, to pay a fine of $1 and undergo imprisonment in the Eastern Penitentiary for the term of three years. Pardoned April 19, 1882.

Reasons.—1. From the depositions of Thomas J. Kelly, the man who was robbed and the prosecutor in the case, and of George F. Jackson, the police officer at the time, who made the arrest, it appears that it was a case of mistaken identity, arising from the fact that Campbell was found drunk in the house where the real criminals (who were convicted) were found and arrested.

2. Campbell had been taken up several times for drunkenness, but was never accused of any crime before. The evidence of the night editor of *The Press*, Mr. T. F. Sajor, of the several policemen, and others, who knew him well; John R. Read, Esq., Dallas Sanders, Esq., the assistant district attorney, who tried the case; Richard J. Lennon, Esq., magistrate, prove the prisoner's previous good repute for honesty, and they all earnestly join in recommending the pardon.

3. He has been in prison seven months.

HARVEY H. HUGHES, Greene. *Murder in the second degree.* Sentenced January 14, 1882, to imprisonment, by solitary confinement, at labor, in the Western Penitentiary, for two years and thirty-two days. Pardoned June 20, 1882.

Reasons.—1. The evidence shows plainly Duval (the deceased) was a man of bad character, and a blustering bully, drunk, dangerous from his great physical strength, and probably armed, and that Hughes had the very best reputation for industry and peaceableness. Duval, who had been threatening the Hughes' all day, and several times prevented by the bystanders from attacking them, had laid in wait where the Hughes' must pass. The blow which killed him was struck in defense of a brother and his family, and was not intended to be deadly. The act is certainly so near the borders of self-defense, or defense of those one has a right to defend, as to entitle the prisoner to the benefit of the doubt.

2. You will find on file sixty or seventy letters from citizens of the highest repute—lawyers, ministers, physicians, bank officers, business men,

and ladies, and from officers of the county, and a number of jurors, testifying in the strongest manner to the character of the prisoner, and most earnestly recommending the pardon.

3. The young man has not yet attained his majority, and since the death of his parents had supported his two unmarried sisters and a younger brother, winning the respect and esteem of all by his steady habits, and brotherly affection and devotion.

THOMAS BOTHWICK, Luzerne. *Seduction.* Sentenced March 11, 1882, to pay a fine of $25, and imprisonment by solitary confinement at labor in the Luzerne county prison for six months. Pardoned June 21, 1882.

Reason.—The additional testimony of William Whitley, Nancy Whitley, and William P. Vansloy, and the after-discovered testimony of Catharine Bechtold, John Miller, George H. Miller, and Ebenezer B. Moore, proves that the prosecutrix before and after the alleged date of seduction was in the habit of staying out all night with, and had been in bed and in barns, and had carnal connection with, various young men. This evidence, together with the testimony taken at the trial, is herewith laid before you. The testimony of Mr. Craig and Mr. Shepperd on the trial ought, it would seem, to have proved an *alibi.*

WILLIAM KOLLO, Bucks. *Manslaughter.* December 10, 1881. Sentenced to pay a fine of $1 and imprisonment in the Eastern Penitentiary for the term of one year. Pardoned June 21, 1882.

Reasons.—1. The deceased and his wife, tramps, passing through the toll-gate, where Mrs. Kollo was at the time, used abusive and insulting language to her, in the absence of her husband, who, learning of the same, on his return from work, followed them and knocked the old man down off the porch of a hotel, and kicked him several times. Saxton was taken into a shed and died in a few minutes from internal hemorrhage, caused by the rupture of the splenetic artery.

2. It was dark when the blow was struck, and Kollo had no object in striking the old man except to chastise him for the insult to his wife, and left immediately after without knowing of the fatal result. On the trial his character for peace and good order was proven by a large number of witnesses.

3. Judge Watson indorses the petition: "I think this is a proper case for the exercise of the pardoning power." District Attorney Robert M. Yardly concurs, all the jurors, the county and many ex-county officers, the members of the bar, among whom are Hons. George Lear and Harman Yerkes, Nathan C. James, J. Monroe Shellenberger, Ex-District Attorney James Gilkison, John L. DuBois, Louis H. James, and B. F. Gilkison, Esqs., and one hundred and ninety-one citizens of Bucks county, twenty-five of Philadelphia, and seventy-two ladies of the neighborhood recommend the pardon.

WILLIAM HUDSPETH, Mercer county. *Assault and battery and adultery.*

Sentenced January 12, 1882, to pay a fine of $10, and imprisonment in the Allegheny county work-house for one year. Pardoned August 16, 1882.

Reasons.—Dr. E. S. Hanna, physician and surgeon to the Allegheny county work-house, certifies, under oath: "I find said William Hudspeth to be, in my opinion, in the last stages of pulmonary consumption, and not likely to live longer than one month or six weeks from date, (July 24, 1882,) he having been bed-ridden for many weeks in the hospital department of the work-house." The president judge, Hon. A. McDermitt, and the district attorney, W. H. Cochran, Esq., recommend the pardon. Francis Davis, William H. Deeter, Nellie Deeter, and Mary Monroe petition to be allowed to take him home to his parents to die. Sheriff William Kile and Chaplain O. H. Miller indorse the petition.

WILLIAM F. SPENCE, Allegheny. *Larceny.* Sentenced June 24, 1881, to pay a fine of twelve cents, and imprisonment in the Western Penitentiary for four years. Pardoned September 20, 1882.

Reasons.—1. The defendant should never have been convicted, and the sentence was out of all reason. The facts are: William Spence, usually a sober industrious man, got on a spree, went to his step-father's house, stayed all night, (Saturday,) and in the morning took his niece's hat, also staying there, and carried it off and left it on the porch of his brother's house; then he went to the house of his half-brother, and took a small chain which he pawned in a neighboring saloon for a few glasses of beer. Both hat and chain were recovered immediately. For this, his step-father made information against him—he was convicted of larceny, and the judge gave him four years in the Western Penitentiary. (See depositions of Mrs. Harriet Stacy, Mrs. Jennie Stacy and George Stacy, and the letters of the district attorney, and assistant district attorney.)

2. Spence was ordinarily an honest, steady hard-working man. This is shown by a large number of letters of manufacturers, superintendents, and others who have employed him, and citizens who have known him for years. The president judge, Edwin H. Stowe, the district attorney, John Robb, and the assistant district attorney, John O. Petty, now heartily concur in recommending the pardon.

AMBROSE TRAYHER, Luzerne. *Murder in the second degeee.* Sentenced September 25, 1876, to imprisonment by solitary confinement atlabor in the Eastern Penitentiary for twelve years. Pardoned September 20, 1882.

Reasons.—1. President Judge Garrick M. Harding writes: "At the date (the conviction and sentence of Trayher) the times here in Luzerne and some of the adjoining counties were somewhat critical. * * * I sentenced young Trayher to an imprisonment of twelve years in the Eastern Penitentiary. Since then times have changed here, and the surroundings of the prisoner's home are no longer what they were. His father has died, his only brother, a boy of eighteen years, is languishing of consumption, his mother is old and very poor, want and distress are at her

gates. I sincerely hope that the prisoner's bonds may be loosened, and that he may be allowed to return as a helper to a fireside that is sadly in need of him. I may add that, under the exceptional circumstances connected with this case at its beginning, the law, in my judgment, has already been amply vindicated." District Attorney Alexander Farnham writes: "I understand * * * that Trayher had been an industrious and peaceable boy, and that the person killed was of a quarrelsome and bullying disposition. The family, I believe, is a worthy and industrious one. The father has since died. The mother is upwards of sixty. In consideration of the youth and previous good character of the boy and the present situation of affairs, I do not believe that executive clemency at this time (after six years of imprisonment) would be misplaced."

2. In addition to the president judge and district attorney, the letters of Messrs. George F. Morgan, superintendent of the Susquehanna Coal Company; T. M. Williams, mine inspector of the district; Lewis C. Greene, justice of the peace; J. D. Williams, burgess of Nanticoke; William James, Dr. Hilton, and other prominent citizens, and a petition numerously signed, testify to the previous good character of the prisoner, set forth the mitigating circumstances of the case, and recommend the pardon.

3. At the time of the offense, Trayher was eighteen years of age. He is now twenty-four, having been in prison six years. The president of the board of prison inspectors certifies to his uniform good conduct.

4. The exceptional circumstances of aggravation under which the offense was committed.

FRANK HOLLAND, Lehigh. *Larceny.* Sentenced, November 22, 1881, to pay a fine of $100, and imprisonment by solitary confinement at labor in the Lehigh county jail for one year and three months. Pardoned September 21, 1882.

Reasons.—1. The principal witness for the prosecution, who is now awaiting *his* trial for larceny, presents an affidavit to the board that he swore falsely on the trial of Holland.

2. The president judge, Hon. Edwin Albright, writes: "A material witness for the Commonwealth was Eddy Diehl; at June sessions, 1882, held last week upon the trial of Isaac Wamhold, for larceny, the same Eddy Diehl, who was called as a witness for the Commonwealth stated, under oath, that what he had sworn to upon the trial of Frank Holland was false. His excuse was that Wamhold had instructed him to swear against Holland as he did. I advised the jury (in the case against Wamhold) to give no credit whatever to the testimony of Diehl, for reasons which will be manifest to you. For the same reasons, I think Holland should be pardoned."

FREDERICK KEYSER, Allegheny. 1. *Entering a building to commit felony;* 2. *Larceny;* 3. *Receiving stolen goods.* Sentenced June 17, 1881, to pay a fine of six cents and imprisonment in the Western Penitentiary for three years. Pardoned October 24, 1882.

Reasons.—1. Since the conviction and sentence of the prisoner, his father, who was instrumental in having a severe sentence imposed in the hopes of reforming the character and habits of the son, has died and left a large estate in trust to the young man, requesting that a pardon be obtained if possible and an opportunity given to him to retrieve himself. His friends and relatives in Ohio will at once remove him to a new career.

2. The judge, Hon. C. W. Stone, writes: "I have made a careful examination of his case and am of the opinion that he has already undergone as much imprisonment as the merits of the special case he was sentenced upon requires. From what I knew of the prisoner I was convinced that a more than ordinarily severe sentence for the offense was necessary to bring him to his senses, and I acted accordingly. From what I have learned I think that he has been already sufficiently punished, and it is believed that a pardon would be the means of restoring him to respectability."

District Attorney John S. Robb concurs in this view and adds: "The provisions of his deceased father's will in his behalf are strongly conducive to his continued reformation, and especially so as they will remove him from his former associates and temptations and place him among friends and relatives in another State."

3. Extract from the will, petition of the executors, letters from the mayor, and other officials, from the prison authorities, and a number of prominent citizens are on file, showing the facts and recommending executive clemency.

CLARENCE MORROW, Allegheny. *Selling lottery tickets.* Sentenced July 22, 1882, to pay a fine of six cents, and imprisonment in the Allegheny county work-house for six months. Pardoned October 24, 1882.

Reasons.—1. He is of good family and highly respectable connections, and up to the time of the commission of the offense, was of good repute.

2. From May 5, 1881, when he was arrested and plead *nol contendere*, and until July 22, 1882, the date of his sentence, he has been engaged in reputable business, and given evidence of his final abandonment of the illegal employment.

3. It seems that no further reformation and no particular good to society can come from a sentence imposed fifteen months after a plea of guilty, and that the fact of conviction and sentence on such a charge, under the circumstances, answers all the ends of justice. To impose the full sentence now, would be a hardship never contemplated in fixing the maximum of punishment.

CHARLES HOUSER *alias* CLARENCE DUNN, Perry. *Horse stealing.* Sentenced September 12, 1877, to pay a fine of $1, and suffer punishment by separate or solitary confinement, at labor, in the Eastern Penitentiary for the term of eight years. Pardoned October 25, 1882.

Reasons.—1. The judge, Hon. B. F. Junkin, before whom the prisoner was tried, and by whom he was sentenced, appeared before the Board in

person; the members of the bar in Perry county, the sheriff and county officers, and numerous citizens, by petitions; and the district attorney and prosecutor, by letters, testified to circumstances which have transpired since the conviction, showing the innocence of the prisoner of the crime.

2. The prisoner, who has been in prison over five years, is in failing health.

MARTIN J. LAWLOR, Schuylkill. *False pretense.* Sentenced August 1, 1881, to pay a fine of $1, and undergo imprisonment in the county prison during a period of two years, to be computed from July 16, 1881. Pardoned October 25, 1882.

Reasons.—1. Judge Walker writes, under date of January 16, 1882: "I have delayed answering * * for the purpose of obtaining certain additional information relative to his case.

At the trial, Lawlor insisted upon going upon the witness stand, and his testimony was clear, direct, and in no manner evasive. In this respect, while acknowledging his offenses, his conduct was favorable to my mind. I have just been shown petitions for Executive clemency, numerously signed by members of the bar of this court, and by nearly all the county and ex-county officers. Since his conviction, Lawlor has deeply felt his disgrace, and is covered with shame and contrition. In my opinion, the severity of his punishment does not consist in the duration of his imprisonment. In view of all these circumstances, I think that if a pardon were granted to him, the end and object of public justice would be attained as effectually as if he had served out the whole term of his sentence." Under date of May 15, 1882, he adds: "Since writing, I have seen no reason to alter my views, but am now more confirmed in the opinion that the object of public justice has been attained by the imprisonment he has already served.

Taylor having been convicted but a short time before, and sentenced by the learned president of our court, I was guided in some measure by that already pronounced. Had this been otherwise, I would have modified the term of imprisonment.

For the reasons stated in my letters, and on account of circumstances that have since transpired, with reference to Taylor, I again recommend the pardon of Lawlor."

2. Nearly all the bar, the county and ex-county officers, and five or six hundred citizens petition for his pardon.

GEORGE ARTHUR, Philadelphia. *Assault and battery; assault and battery, aggravated; assault and battery to kill.* Sentenced August 2, 1881, to pay a fine of $1, and undergo imprisonment in separate or solitary confinement, at labor, in the Eastern Penitentiary for the term of five years. Pardoned November 21, 1882.

Reasons.—The prisoner, who is a lad of seventeen, small and weak, acted in self-defense against a fully matured, powerful, angry, and malicious antagonist, who was the attacking party for the second time.

BARNEY O'NEIL, Fayette. *Voluntary manslaughter.* Sentenced March 15, 1879, to pay a fine of six cents, and imprisonment by solitary confinement at labor in the Western Penitentiary for six years. Pardoned November 21, 1882.

Reasons.—1. The inferences drawn by District Attorney Mestrezat, in his letter, as follows, viz: "I thought at the time that the facts of the case, as developed at the trial, did not warrant a severe sentence. There seemed to be a want of malice or premeditation in the commission of the offense, and the result of the blow appeared to be attributable more to accident than to intention," are fully sustained by the evidence of others, and especially by James Reilly, the father of the unfortunate man who was killed.

2. The judge, Hon. A. E. Wilson, writes: "At the time of sentencing Barney O'Neil, I stated that while the court felt bound to impose upon him the sentence it did, yet we felt that his case was a proper one for the Board of Pardons. I think so yet, and in my judgment, the time has arrived when he should be pardoned. I, therefore, recommend that his application for pardon be now granted."

3. In addition to the judge and district attorney, the pardon is recommended by the associate justice, many members of the bar, and a large number of citizens of the neighborhood.

4. The facts of O'Neil's previous good repute, the certificates to his good conduct in prison, given by the prison authorities, and that he has suffered for his fatal misadventure an imprisonment of three years and eight months, and his wife and family are now in great need of his support, are strong additional reasons for executive clemency.

YORK WESTLEY UNCY, Adams. *Rape.* Sentenced August 22, 1881, to pay a fine of $1 and imprisonment by solitary confinement at labor, in the Eastern Penitentiary, for fourteen years. Pardoned November 21, 1882.

Reasons.—1. The case is presented by the Swiss Consul, at Philadelphia, Mr. Reed Koradi, President, and Mr. George E. Oberer, Secretary of the Swiss Benevolent Society, on the following facts: The prisoner, a Swiss, Shubiger or Uncy, a stranger in the land, without friends, and unable to procure employment, during the winter of 1880, had built himself a machine and bought a few tools, by which he was enabled to sharpen knives, scissors, saws, &c., for a living. He had no means to employ counsel, and the counsel appointed by the court were unable to work up the case, and were forced to rely upon the weakness of the case presented for the Commonwealth. The testimony of a rape, and the identification of the prisoner rested wholly and solely upon the evidence of the girl, who nevertheless admitted that she did not see the face of the party, and could not identify him with the prisoner until the latter was disguised as she had reported the party to be, *by his general appearance.* There was no medical testimony corroborating the girl, the doctor who attended her after the alleged outrage, being in California at the time of the trial of Uncy. The proof of

Uncy's presence at the time was very weak, the witness probably mistaken in the day, and the Society, since the trial, have been able to trace him to such a time and place as make his presence at the place of the offense highly improbable, as a physical feat, and prove an *alibi* with moral, if not legal, certainty. (See notes of testimony and deposition.)

2. A large number of letters, from prominent members of the bar, are on file, recommending the pardon, and nine of the jurors sign a petition for the same.

Peter K. Barger, Lackawanna. *Forgery.* Sentenced November 13, 1880, to pay a fine of $500, and undergo an imprisonment in the Eastern Penitentiary by separate and solitary confinement at labor for the term and period of eight years and four months. Pardoned December 19, 1882.

Reasons.—1. The defendant was shown to be a man upwards of 63 years of age, and who, up to the time he was charged with the offense, had borne an exceptionably good character as an upright, honorable, industrious and useful citizen. He was without the shadow of reproach, and about the last man in the community who would have been suspected of crime.

2. The money shown to have been embezzled through an altered pay-roll was less than $200. The jury remained out seventy-two hours and only agreed after a threat from the court to keep them all winter, and then recommended the prisoner to the extreme mercy of the court.

3. The sentence of the court under the circumstances to an imprisonment of eight years in the penitentiary at labor was severe and unwarranted.

4. The punishment already suffered by the prisoner is fully adequate for his offense, and more, it is believed, than is customarily inflicted in similar cases.

5. His pardon is recommended by S. S. Benedict, G. L. Newton, A. B. Stevens, E. P. Kingsbury, A. Darte, A. Darte, Jr., H. B. Jadwin, H. B. Snyder, M. B. Vosburg, P. Lee, W. J. Lewis, J. B. VanBerger, E. W. Mills, W. Bun, T. R. Lathrope, C. E. Lathrope, B. R. Blair, H. B. Wilbun, H. C. Wheeler, E. E. Thomas, R. Manville, W. Crapo, H. Somers, F. L. Hitchcock, Thomas F. Wells, E. D. Jenkins and five hundred reputable and influential citizens of Lackawanna county.

William Jackson, William Harrop, Jacob Ott, Clarion. *Burglary.* Sentenced to pay a fine of $5, and each undergo an imprisonmedt in the Western Penitentiary for a period of seven years. Pardoned December 19, 1882.

Reasons.—1. That the trial took place under circumstances of considerable public feeling and excitement, growing out of the enormity of the crime itself, freshened by the arrest of the said Miller, in Pittsburgh, just on the eve of the trial, with a portion of the stolen bonds and money in his possession.

2. That the three defendants, Jackson, Harrop, and Ott, were destitute

of the means to properly prepare for and conduct their defense, whilst large rewards were to be expected, on the other side, in case a conviction could be secured.

3. That even under such unfavorable circumstances, there was enough in the evidence to throw more than a reasonable doubt on the guilt of these three men, and no connection whatever was proved, or attempted to be proved, between them and Miller.

4. That matters have since come to light that render it morally certain that the three men named had no part in the crime for which they were convicted.

5. That the pardon is recommended by the district attorney. The judge writes that he does not object. The county commissioners, all the other county officers, and many hundreds, including representatives, members of the bar, physicians, merchants, farmers, and all classes of citizens.

CLARK MCEWEN, Lycoming. *Assault and battery.* October 6, 1882. Sentenced to pay a fine of $100, and undergo imprisonment in the county jail for the term of six months. Pardoned December 19, 1882.

Reasons.—1. The offense was technical, the prisoner was present accidently and without design, and struck no one.

2. He is a man of thirty years of age, maimed, of previous good character and connections, and the letters of Dr. W. R. Hull and W. L. Logan, and Rev. John Burroughs, testify that his aged father is in a precarious condition, aggravated by the imprisonment of his son.

3. The trouble was slight and of little account at the time, and no bad results—a simple fine would have vindicated the law in this case.

4. The pardon is recommended by John J. Reardon, Esq., district attorney, Hon. H. C. Parsons, mayor of Williamsport, Samuel Wilson, sheriff of Lycoming county, the city controller, solicitor, treasurer, and clerk, the president of common council, and a large number of other influential citizens, including the former employers of the prisoner.

ANDREW P. VAN MILDER *alias* ANDREW MILLER, Jefferson. *Arson, burglary.* Sentenced September 21, 1876, in the aggregate, to pay a fine of eighteen cents, and undergo an imprisonment, in the Western Penitentiary, by separate and solitary confinement at labor, for the period of twelve years. Pardoned December 19, 1882.

Reasons.—After careful examination of the above application for pardon, the Board of Pardons respectfully recommend the same be granted, for the reason that from the immense mass of testimony, depositions, affidavits, and letters on file, (to which your Excellency is referred,) the Board is of opinion that the prisoner was innocent, and was convicted upon perjured testimony.

JOHN M. SACKETT, Allegheny. *Aggravated assault and battery.* Sentenced September 10, 1880, to pay a fine of $1,000, and undergo an impris-

onment in the Western Penitentiary for a period of three years, from October 1, 1881. Pardoned December 19, 1882.

Reasons.—The offense consisted in an attempt to escape and an attack upon one of the guards. By the attempt the prisoner lost all his commutation upon a former sentence, amounting to fifteen months, and has served a little over one year on the present sentence. The board of prison inspectors, who have become convinced that the attempt was in consequence of collusion with the officer, and the attack prearranged, to give color thereto, have discharged the officer, and now recommend the discharge of the convict. As the law was disciplinary in its intent, and makes the granting of commutation for good conduct depend upon the approval of the board of inspectors, we think their recommendation should be favorably considered.

RANDOLPH ROUGHT, Bradford. *Burglary.* Sentenced February 17, 1879, to pay a fine of $100, and undergo an imprisonment in the Eastern Penitentiary by separate and solitary confinement at labor for the period of six years. Pardoned December 19, 1882.

Reasons.—

To the Honorable, the Board of Pardons:

"This case was tried before me, and I have notice that application is to be made for the pardon of the defendant.

The following statement is made at the request of his counsel: Houser and a maiden sister lived together and it was the talk in the neighborhood that they had some $2,000 in money. Some time in the summer of 1876 their house was entered by three men in disguise (about one o'clock at night) who beat, gagged and bound them, and ransacked the house, secured a silver watch and about $300 in money. This they divided between themselves in the house and then left, leaving Houser and sister bound in their beds. About two years thereafter, Rymer, McCracken, Van Duser and Rought were arrested, and indicted at September term, 1878, for burglary. Separate trial was to Van Duser.

The others were tried at December term, and convicted. When called for sentence Rought said he had nothing to say, Rymer and McCracken declared their innocence, with much warmth and feeling. From statements then made by Rought to his counsel and the district attorney, sentence was deferred until the next day at the suggestion of the district attorney. At that time Rought's affidavit was presented, in which he stated that Rymer and McCracken were innocent, but that the crime was committed by him, Van Duser and one Tyler who had fled. Upon this affidavit, accompanied by the affidavits of Rymer and McCracken, rule for new trial as to Rymer and McCracken was granted, made absolute soon afterwards and the cause continued until the next term, at which time they were tried and acquitted. Van Duser plead guilty. Rought was a witness and gave evidence, which impressed the court as being entirely true. It was in conflict with Van

Duser's evidence, but the jury believed Rought. His conduct from the time he was called for sentence at December term to the end of the trial in February was open, frank and manly, at least so it appeared to the court, and the jury was satisfied of its truth. He lived near Houser and the party left his house (was living with father) to commit the deed. Van Duser and Tyler were in the neighborhood in some kind of business, think Van Duser was selling some patent right, lived about thirty-five miles away, staid in this neighborhood a good deal. Both he and Tyler were quite young, but were the instigators of the crime according to Rought's evidence, and without that evidence it was doubtful whether Van Duser could have been convicted. Tyler is still a fugitive.

Rought has been in prison since September, 1878. His conduct in jail was good, and when he was sentenced, he seemed to be penitent and determined to lead an honest life. I have no doubt as to the honesty of this purpose; do not know what his conduct has been in the penitentiary, but think you will find, upon inquiry, (if inquiry permissible,) that it has been good. Prior to the commission of this crime, it is said he was industrious and unsuspected of crime."

(Signed) P. D. MORROW,

President Judge Thirteenth District.

TOWANDA, *June 8, 1881.*

The letters of the district attorney, associate judge, private counsel for the proseeution, and others of Bradford county, give the same state of facts in the same detail.

DEATH WARRANTS ISSUED SINCE JANUARY 21, 1879.

NAME.	COUNTY.	DATE OF SENTENCE.	DATE OF EXECUTION.	REMARKS.
Nimrod Spattenhoover,	Lebanon,	March 3, 1879,	July 3, 1879.	
Peter Swingler,	Franklin,	March 7, 1879,	June 5, 1879.	
Peter McManus,	Northumberland,	October 9, 1878,	October 9, 1879.	
John O'Neil,	"	October 21, 1878,		Commuted to imprisonment for life, October 30, 1879.
Andrew Tracy,	McKean,	April 17, 1879,	December 4, 1879.	
Charles Drews,	Lebanon,	August 18, 1879,	November 14, 1879.	
Frank Strickler,	"	August 18, 1879,	November 14, 1879.	
Josiah Hummel,	"	August 18, 1879,	May 13, 1880.	
Israel Brandt,	"	August 18, 1879,	May 13, 1880.	
Henry Wise,	"	December 2, 1879,	May 13, 1880.	
Patrick Hayes,	Philadelphia,	July 17, 1880,	January 6, 1881.	
Daniel F. Sullivan,	"	July 8, 1879,	January 6, 1881.	
George Smith,	Lycoming,	June 11, 1880,	February 3, 1881.	
Catharine Miller,	"	June 11, 1880,	February 3, 1881.	
Emanuel Ettinger,	Snyder,	February 8, 1881,		Died in prison.
Jonathan Moyer,	"	February 8, 1881,	March 24, 1882.	
Israel Erb,	"	February 8, 1881,		Case still pending before Board of Par[dons.
James G. Allison,	Indiana,	May 20, 1881,	February 17, 1882.	
Frank Small,	Allegheny,	April 19, 1881,	March 24, 1882.	
Henry Rumberger,	Dauphin,	October 26, 1881,	March 24, 1882.	
Frank Rumberger,	"	October 26, 1881,	March 24, 1882.	
John A. Nevling,	Clearfield,	January 10, 1881,	March 24, 1882.	
John Coyle,	York,	December 19, 1881,		New trial granted.
Uriah Moyer,	Snyder,	January 24, 1882,	Fixed for February 28, 1883.	

TABULAR STATEMENT *of the number of pardons (with yearly average) and death warrants issued from the year 1791 to 1872, inclusive, with the names of the Governors by whom they were issued, the population of the State at the time, and the approximate number of inhabitants to each pardon.*

YEARS, INCLUSIVE.	Number of years.	Population of the State.	Number of pardons granted.	Yearly average of pardons.	Death warrants.	Average approximate number of inhabitants to one pardon.	BY WHOM ISSUED.
From 1791 to 1799,	9	434,373	1,188	132	10	3,300	Thomas Mifflin.
" 1800 to 1808,	9	602,365	1,909	212	10	3,000	Thomas McKean.
" 1809 to 1817,	9	810,091	1,555	172	6	4,700	Simon Snyder.
" 1818 to 1820,	3	950,000	1,304	434	6	2,200	William Findlay.
" 1821 to 1823,	3	1,047,507	787	262	4	4,000	Joseph Heister.
" 1824 to 1829,	6	1,200,000	821	136	7	9,000	John A. Shultz.
" 1830 to 1835,	6	1,348,233	502	83	8	16,100	George Wolf.
" 1836 to 1838,	3	1,520,000	481	160	6	10,000	Joseph Ritner.
" 1839 to 1844,	6	1,724,033	725	120	14	14,400	David R. Porter.
" 1845 to 1848,	4	2,000,000	327	81	11	24,700	Francis R. Shunk.
" 1849 to 1851,	3	2,311,786	378	126	6	19,500	Wm. F. Johnston.
" 1852 to 1854,	3	2,500,000	326	108	11	23,100	William Bigler.
" 1855 to 1857,	3	2,700,000	161	53	8	50,900	James Pollock.
" 1858 to 1860,	3	2,906,215	216	72	12	43,000	William F. Packer.
" 1861 to 1866,	6	3,100,000	763	127	18	24,400	Andrew G. Curtin.
" 1867 to 1872,	6	3,650,000	425	71	23	51,400	John W. Geary.
	82		11,868	146	160		

TABLE *showing number of pardons granted, sentences commuted, and death warrants issued each year since 1872, bringing the above table down to date.*

YEARS.	Pardons.	Sentences commuted.	Death warrants.	By whom issued.	Remarks.
In 1873, to formation of Board of Pardons	57	. . .	1	John F. Hartranft.	
In 1874, ...	92	. . .	7	"	[onment for life.
In 1875, ...	90	1	5	"	Commuted to impris-
In 1876, ...	90	2	13	"	"
In 1877.	104	4	9	"	"
In 1878, ...	133		6	"	
In 1879, to inauguration of Gov. Hoyt, .	24	. . .	. . .	"	
	590	7	41		
In 1879, ...	36	2	6	Henry M. Hoyt.	Commuted to imprisonment for life.
In 1880, ...	53	. . .	3	"	
In 1881, ...	43	. . .	4	"	
In 1882, ...	36	. . .	10	"	
	168	2	*23		

* NOTE.—One died in prison, one pending before the Board of Pardons, and new trial granted to one.